

Development Committee



Please contact: Democratic Services

Please email: democraticservices@north-norfolk.gov.uk Direct Dial: 01263 516108

TO REGISTER TO SPEAK PLEASE SEE BOX BELOW

Wednesday, 16 July 2025

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 24 July 2025 at 9.30 am.**

At the discretion of the Chairman, a short break will be taken after the meeting has been running for approximately one and a half hours

Please note that members of the public should not speak to Committee Members prior to or during the meeting.

PUBLIC SPEAKING :

Members of the public who wish to speak on applications must register **by 9 am on the Tuesday before the meeting** by telephoning **Reception on 01263 513811** or by emailing reception@north-norfolk.gov.uk Please read the information on the procedure for public speaking at Development Committee on our website or request a copy of "Have Your Say" from Customer Services.

Anyone may take photographs, film or audio-record the proceedings and report on the meeting. If you are a member of the public and you wish to speak, please be aware that you may be filmed or photographed. Please note that this meeting is livestreamed:

<https://www.youtube.com/channel/UCsShJeAVZMS0kSWcz-WyEzg>

Presentations: If you wish to view the Officers' presentations for the applications being considered by the Committee please follow the following link:

<https://modgov.north-norfolk.gov.uk/ecCatDisplayClassic.aspx?sch=doc&cat=13644&path=0>

Emma Denny
Democratic Services Manager

To: Cllr P Heinrich, Cllr R Macdonald, Cllr M Batey, Cllr A Brown, Cllr P Fisher, Cllr A Fitch-Tillett, Cllr M Hankins, Cllr V Holliday, Cllr P Neatherway, Cllr J Toye, Cllr K Toye, Cllr A Varley, Cllr L Vickers and Cllr L Paterson

Substitutes: Cllr T Adams, Cllr P Bailey, Cllr K Bayes, Cllr J Boyle, Cllr S Bütikofer, Cllr N Dixon, Cllr T FitzPatrick, Cllr W Fredericks, Cllr J Punchard, Cllr C Ringer, Cllr E Spagnola and Cllr L Withington

All other Members of the Council for information.

Members of the Management Team, appropriate Officers, Press and Public



If you have any special requirements in order to attend this meeting, please let us know in advance

If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

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A G E N D A

PLEASE NOTE: THE ORDER OF BUSINESS MAY BE CHANGED AT THE DISCRETION OF THE CHAIRMAN
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PUBLIC BUSINESS

1. CHAIRMAN'S INTRODUCTIONS

2. TO RECEIVE APOLOGIES FOR ABSENCE

3. SUBSTITUTES

4. MINUTES

(Pages 1 - 6)

To approve as a correct record the Minutes of a meeting of the Committee held on 27th June 2025

5. ITEMS OF URGENT BUSINESS

(a) To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.

(b) To consider any objections received to applications which the Head of Planning was authorised to determine at a previous meeting.

6. ORDER OF BUSINESS

(a) To consider any requests to defer determination of an application included in this agenda, so as to save any unnecessary waiting by members of the public attending for such applications.

(b) To determine the order of business for the meeting.

7. DECLARATIONS OF INTEREST

(Pages 7 - 12)

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest. Members are requested to refer to the attached guidance and flowchart.

OFFICERS' REPORTS

8. CORPUSTY - PF/21/1990 - CONSTRUCTION OF 38 RESIDENTIAL DWELLINGS WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPING AT LAND OFF NORWICH ROAD, CORPUSTY FOR BROADLAND DEVELOPMENT SERVICES

(Pages 13 - 72)

9. WORSTEAD - PF/24/2474 - DEMOLITION OF PART EXISTING BUILDING AND ERECTION OF NEW COLD STORE TOGETHER WITH ASSOCIATED PLANT ROOM AT ALBERT BARTLETT

(Pages 73 - 88)

WESTWICK, STATION ROAD, WORSTEAD, NORTH WALSHAM

- 10. FULMODESTON - PF/24/2434 - ERECTION OF ADDITIONAL FOUR, ONE-BEDROOM SELF-CONTAINED TREE HOUSES FOR USE AS SHORT-TERM HOLIDAY LET ACCOMMODATION WITH EXTERNAL WORKS AND SERVICING (TO INCLUDE SOLAR PANELS, PONDS AND CAR PARKING PROVISION) AT LAND AT WOODLAND, BROWNS COVERT, HINDOLVESTON ROAD, FULMODESTON FOR MR D ASTLEY**

(Pages 89 - 104)
- 11. SUTTON- STALHAM - PF/24/2338 - CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO HOLIDAY LET (NO SPECIFIED USE CLASS) INCLUDING UPGRADE OF AN EXISTING ACCESS SURFACE AND INSTALLATION OF A TENNIS COURT (RETROSPECTIVE) AT SUTTON HALL, HALL ROAD, SUTTON**

(Pages 105 - 120)
- 12. POTTER HEIGHAM - RV/24/2059 - CHANGE OF USE OF AGRICULTURAL LAND AND PART OF BUILDING, INCLUDING EXTERNAL ALTERATIONS, TO FITNESS STUDIO AND CAR PARK (RETROSPECTIVE) WITHOUT COMPLYING WITH CONDITION 2 (OPENING HOURS) OF APPEAL DECISION APP/Y2620/W/19/3229508 (NNDC REF. PF/18/1298) IN ORDER TO EXTEND THE OPENING HOURS FROM 0615 - 1930 MONDAYS TO FRIDAYS TO 0600 - 2000 MONDAYS TO FRIDAYS AND 0800 - 1200 SATURDAYS AT GLEBE FARM, MARSH ROAD, POTTER HEIGHAM, GREAT YARMOUTH**

(Pages 121 - 128)
- 13. WALSINGHAM - PF/25/1120 - REMOVAL OF DEGRADED CONSERVATORY AND ERECTION OF A SINGLE STOREY REAR EXTENSION AT MILL HOUSE, 5 SCARBOROUGH ROAD, WALSINGHAM, NORFOLK, NR22 6AB**

(Pages 129 - 134)
- 14. WALSINGHAM - LA/25/1121 - REMOVAL OF DEGRADED CONSERVATORY AND ERECTION OF A SINGLE STOREY REAR EXTENSION AT MILL HOUSE, 5 SCARBOROUGH ROAD, WALSINGHAM, NORFOLK, NR22 6AB**

(Pages 135 - 140)
- 15. DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE**

(Pages 141 - 144)
- 16. APPEALS SECTION**

(Pages 145 - 152)
- 17. EXCLUSION OF PRESS AND PUBLIC**

To pass the following resolution, if necessary:-

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of

business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A (as amended) to the Act.”

PRIVATE BUSINESS

DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Friday, 27 June 2025 in the Council Chamber - Council Offices at 9.30 am

**Committee
Members Present:**

Cllr P Heinrich (Chairman)

Cllr A Brown

Cllr P Fisher

Cllr A Fitch-Tillett

Cllr M Hankins

Cllr V Holliday

Cllr P Neatherway

Cllr K Toye

Cllr A Varley

Cllr L Paterson

**Officers in
Attendance:**

Assistant Director for Planning (ADP)

Development Manager (DM)

Senior Planning Officer(s) (SPO)

Planning Officer (PO)

Trainee Planning Officer (TPO)

Democratic Services Manager (DSM)

Democratic Services Officer (DSO)

1 CHAIRMAN'S INTRODUCTION

The Chairman welcomed everyone to the meeting and explained how he would manage the proceedings.

2 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies had been received from Cllr Batey, Cllr MacDonald, Cllr J Toye and Cllr Vickers.

3 SUBSTITUTES

Substitutes for the meeting were Cllr Adams (for Cllr Batey), Cllr Bayes (for Cllr Vickers) and Cllr Ringer (for Cllr J Toye)

4 MINUTES

The Minutes of the meeting of the Committee held on 29th May 2025 were approved as a correct record.

5 ITEMS OF URGENT BUSINESS

None

7 DECLARATIONS OF INTEREST

Cllr Ringer declared that in relation to item 9 he was predetermined and would therefore not take part in the debate and would abstain from the vote.

Cllr Adams declared that he would abstain from the vote in relation to both Comer matters (items 8 and 11)

8 CROMER - PF/24/2341 - ERECTION OF 5 COMMERCIAL UNITS FOR USES WITHIN USE CLASSES E(C)(I) - FINANCIAL SERVICES, E(G)(I) - OFFICES, E(D) - INDOOR SPORT, RECREATION OR FITNESS, B8 - STORAGE OR DISTRIBUTION AT HOME FARM ENTERPRISE ZONE, HALL ROAD, CROMER, NORFOLK

SPO-RS presented the report and took the Committee through additional information that had been received from the applicant since the Committee last considered the matter, some of which had been received since the publication of the agenda. The SPO identified the changes that had been made to the application and the informal views that had been received from consultees including Highways (relating to proposed access changes), Landscape Officer (relating to the new planting scheme) and the Tree Officer. The updated recommendations were explained to the Committee- the recommendation was for refusal.

Public Speakers

Colin Robb- Cromer Town Council

Local Members

Cllr Boyle spoke in support of the application, noting the existence of commercial units at the premises, the shortage of available units in Cromer and the that potential tenants were already existing local businesses using local roads. Cllr Boyle stated she believed that the use was compliant with policies EC3 and EC5 and was pleased to note the improved access proposed. She noted that that area was well concealed and that the change would not be detrimental when compared to its current use.

Cllr Adams spoke in support of the application, noting the shortage of local premises and the fact that the existing site had not seen any issues with its use. He also referred to the changes to the application and that highways were now content with the access. He referred the Committee to the change to the speed limit in the area. He believed all outstanding matters could be dealt with by conditions and the benefits far outweighed the policy considerations.

Member debate

- a. Cllr Brown, Cllr Holliday, Cllr Toye, Cllr Fisher and Cllr Bayes expressed a need for further information including details of the economic benefits and the impact on businesses in the town through the sequential test. Cllr Brown proposed that the matter be deferred with the applicant being given 28 days to provide further information.
- b. Cllr Paterson and Cllr Hankins expressed the view that the Committee had sufficient information to make a decision.
- c. The ADP and the DM gave advice to the Committee, the ADP agreeing with the suggestion for a time limit for the applicant if the Committee was minded to defer and the DM suggesting to the Committee that to ensure a sound decision they needed to satisfy themselves that they had information on both sides of any matter to which they were giving weight.

Cllr Brown proposed and Cllr Holliday seconded that the application be deferred, with the applicant given 28 days to submit any further information, with the application being considered by the Committee at its August meeting.

IT **WAS RESOLVED** by 9 votes in favour, 2 votes against and 2 abstentions that

The application be deferred, with the applicant given 28 days to submit any further information, with the application being considered by the Committee at its August meeting.

9 LOWER BODHAM - PF/24/2705 - DEMOLITION OF WORKSHOP BUILDING AND ERECTION OF BUILDING FOR USE AS A LIVE/WORK UNIT, RECLADDING OF RETAINED STORAGE BUILDING, DEMOLITION OF OTHER STORAGE BUILDINGS AND ERECTION OF CART SHED AT OLD SCARFE BROTHERS WORKSHOP, CHURCH ROAD, LOWER BODHAM, HOLT, NR25 6PS

The SPO-JS took the Committee through the presentation, the Committee was provided with information including the site location and plan, elevations and photographs of the site. The main issues for consideration, being the principle of development and the design, appearance and effect on character, were brought to the Committee's attention. The recommendation was for refusal.

Public Speakers

JP Ringer- Bodham Parish Council
Alice Kemp (Applicant)

Local Member

Cllr Ringer spoke in support of the application, believing that the application complied with the aims of the NPPF and seeks to re-use existing brownfield land, supports a rural business in the countryside and proposes an off grid sustainable development. He noted the existing condition of the site and suggested that the development would improve the site and whilst noting the large size of the proposed building believed the building would sit low in the landscape. He concluded he was of the view that the application was well designed and that the balance was in favour of approval.

Members debate

- a. Members debated the 2 main issues. Members including Cllr Fitch-Tillett, Cllr Holliday and Cllr Brown expressed concern over the size and mass of the building, with Cllr Adams, Cllr Varley and Cllr Bayes expressing general support, citing reasons including the re-use of a brownfield site and the applications sustainability credentials.
- b. Cllr Paterson suggested that the matter be deferred to allow the applicant to provide information as to how the building would sit in the landscape and consideration of reducing the height of the ridgeline.
- c. The ADP summarised to the Committee the views that he had heard them express, namely that the Committee appeared more comfortable with the principle of development but had some concerns over the scale and mass of the

building. The ADP outlined a number of options available to the Committee, including refusal, approval, deferral or a site visit, suggesting that if the Committee was minded to defer, he understood that this would be to allow the applicant to provide information on the impact of the development on the landscape (landscape impact assessment) and consideration of the height and scale of the ridgeline in particular. The Chairman confirmed this to be his understanding of the debate.

- d. Cllr Adams asked for clarification as to what was hoping to be gained by any deferral. The DM expressed his understanding that it would be to obtain information that would allow the Committee to make a decision on what amounted to an appropriate scale of building on the site.

Cllr Paterson proposed and Cllr Fitch-Tillett seconded that the application be deferred to allow the applicant to provide a landscape impact assessment and for consideration to be given to the height and scale of the ridgeline. A deadline to be provided to the applicant to allow this matter to be reconsidered at the August meeting.

IT WAS RESOLVED by 8 votes in favour, 4 against with 1 abstention that

The application be deferred to allow the applicant to provide a landscape impact assessment and for consideration to be given to the height and scale of the ridgeline. A deadline to be provided to the applicant to allow this matter to be reconsidered at the August meeting

The meeting adjourned at 10.55 and recommenced at 11.10 am

10 FAKENHAM - PF/24/2184 - ERECTION OF TWO BUILDINGS FOR USE AS A RESTAURANT AND FARM SHOP, AND ASSOCIATED DEVELOPMENT INCLUDING A SEPARATE WC AND BAR, TWO POLYTUNNELS, CAR-PARKING, PATHS AND ACCESS AT SALMONDS LANE, THORPLAND, FAKENHAM, NORFOLK, NR21 0HB

PO-IM presented the report and brought the viability report circulated after the agenda was published to the attention of the Committee. The Committee was provided with information including the site location and plan, proposals, elevations and site access. Further information was provided about the main issues being the principle of development and location, sustainability and impact on the highways network. The recommendation was for refusal.

Public Speakers

Angela Glynn-Mayor of Fakenham
Jack Spencer Ashworth (Applicant)

Local Member

Cllr Cushing spoke in support of the application. He gave the Committee a history of the business, starting as a “pop-up” and that he wanted to see North Norfolk flourish and this business would provide additional employment opportunities and important farm diversification. In terms of policies, he believed that the application did or could comply with SS1 and SS2. He noted the huge support for the application in the town of Fakenham from residents, through to local Councillors. He noted the recent approval of fast food outlets in the town and urged the Committee to make a

decision based on the greater good and approve the application.

Member Debate

- a. The Chairman, together with Cllr Paterson, Cllr Adams, Cllr Bayes, Cllr Hankins, Cllr Toye, Cllr Varley and Cllr Brown spoke against the recommendation, noting benefits of the development including important farm diversification, support from the local community, the need for rural business in rural areas, a pleasing design and the importance of the business for the farm sustainability.
- b. Cllr Ringer noted the issues and concern with the access for pedestrians and cyclists but did not believe that should prevent approval of the application.
- c. The DM noted the comments from the Committee and suggested that if they were minded to approve they may wish to consider whether they wished to ensure that the site didn't later develop into something they would not wish to see and how generally they may wish to control the development whilst benefitting the local economy.
- d. The ADP advised it would be possible to impose relevant conditions and create a link between the ownership of the farm and the development by way of a legal agreement, this would reflect the benefits that the Committee had raised in the debate and to which they were giving weight.

Cllr Fisher proposed and the Chair seconded the recommendation for **Refusal** of the application.

IT **WAS RESOLVED** by 1 vote in favour and 12 votes against

That the recommendation for refusal be rejected.

- e. Cllr Paterson suggested that the application be approved, noting the economic benefits of the scheme and following a request from the DM for clarification, confirmed that that it was noted that the development is outside policy but that the benefits outweigh that conflict.
- f. The ADP confirmed that his understanding was that the recommendation was that he be given authority to approve the application, subject to agreement of appropriate conditions and if necessary, a S.106 agreement, such conditions to include an ongoing link between the ownership of the farm and the business on the development site.

Cllr Paterson proposed, and Cllr Adams seconded that the ADP be given authority to approve the application, subject to agreement of appropriate conditions and if necessary, a S.106 agreement, such conditions to include an ongoing link between the ownership of the farm and the business on the development site

IT **WAS RESOLVED** by 12 votes in favour and 1 abstention

That the ADP be given authority to approve the application, subject to agreement of appropriate conditions and if necessary, a S.106 agreement, such conditions to include an ongoing link between the ownership of the farm and the business on the development site

The ADP left the meeting at 11.55

11 CROMER - PF/25/0724 - INSTALLATION OF 10 SHEDS (1.58M X 1.58M) ON TEMPORARY GARDEN PLOTS, ALLOTMENTS AT, CEMETERY, HOLT ROAD, CROMER

TPO-NW presented the report including providing the Committee with site location plan, photographs and details of the main issues. The recommendation was for approval.

Cllr Fitch-Tillett proposed and Cllr Brown seconded the recommendation that the application be approved subject to conditions detailed in the report and that the final wording of conditions and any other considered necessary be delegated to the ADP.

IT WAS RESOLVED by 12 votes in favour with 1 abstention

That the application be approved subject to conditions detailed in the report and that the final wording of conditions and any other considered necessary be delegated to the ADP

The ADP returned to the meeting at 12.05.

12 MHCLG CONSULTATION RESPONSE

The ADP provided the Committee details on the proposed response to the Government Consultation paper regarding the national scheme of delegation. He identified to the Committee that under the proposals there would be 2 types of planning applications, Tier A applications which would have to be dealt with by Officers and Tier B applications which would be dealt with by Officers unless the ADP and the Chair agreed to send it to Committee. He noted that all applications heard today by the Committee would be considered Tier A.

Cllr Adams and Cllr Brown, noted the proposals with concern and following a question from Cllr Fitch-Tillett the ADP confirmed the government timescale for introducing this new scheme of delegation was this year.

13 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE

The DM presented the report to the Committee noting a slight dip in performance relating to non-major applications which was partly a result of the issues previously surrounding nutrient neutrality and associated delays.

14 APPEALS SECTION

The DM presented the report to the Committee and noted the delays with the Planning Inspectorate were particularly acute relating to enforcement decisions.

The meeting ended at 12.35 pm.

Chairman

Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative, close associate; or
 - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)



CORPUSTY - PF/21/1990 – Construction of 38 residential dwellings with associated infrastructure and landscaping at Land Off Norwich Road, Corpusty for Broadland Development Services

Major Development

Target Date: 2nd November 2021

Extension of time: 31st July 2025

Case Officer: Miss Jamie Smith

Full Planning Permission

SITE CONSTRAINTS

Parcel A

With Defined Settlement Boundary

Agricultural Land: Grade 3

Open Land Area LDF

Residential Area LDF

Settlement Boundary LDF

Areas Susceptible to Groundwater SFRA - Classification: $\geq 25\%$ $<50\%$

Flood Type: Clearwater

Areas Susceptible to Groundwater SFRA - Classification: $\geq 25\%$ $<50\%$

Flood Type: Clearwater

Landscape Character Area - Description: River Valleys

Contaminated Land

Flood Zone 1

Parcel B

Countryside LDF

Agricultural Land: Grade 3

Areas Susceptible to Groundwater SFRA - Classification: $\geq 25\%$ $<50\%$

Flood Type: Clearwater

Areas Susceptible to Groundwater SFRA - Classification: $\geq 25\%$ $<50\%$

Flood Type: Clearwater

Landscape Character Area - Description: River Valleys

Contaminated Land

Flood Zone 2 - Flood Zone 1:1000 chance: Flood Zone 2

Flood Zone 3 - Flood Zone 1:200 & 1:1000 chance: Flood Zone 3

RELEVANT PLANNING HISTORY

None

BACKGROUND

On 31 March 2022, the application was referred for determination by the Development Committee. However, in light of new Habitat Regulations matters raised by Natural England concerning Nutrient Neutrality (published on 16th March), the application (plus a number of

other cases on that agenda) were deferred so that the implications of Natural England's advice could be properly considered.

Since deferral, the applicant has been considering various options to address nutrient neutrality matters and a to deliver required mitigation solutions. An option to purchase credits was considered but proved financially unviable at current credit prices due to the amount of credits needed (based on the performance of the current Corpusty sewage treatment works). Instead, the applicant proposes to secure sufficient nutrient mitigation via replacement of 22 septic tanks serving existing dwellings across the Bure catchment. The applicant proposes to deliver the development in phases. Subject to mechanisms to secure the nutrient mitigation, the proposal now addresses Natural England concerns. Further detail on nutrient neutrality and mitigation is set out within the report below.

THE SITE

The application site comprises two parcels of land that are located either side of Norwich Road in Corpusty, identified within this report as Parcel A and Parcel B.

Parcel A is circa 2.1ha in size and is located on land south of Norwich Road. Parcel A abuts the line of the now disused Midland and Great Northern Joint Railway, which survives as an earthwork. A restricted by-way, Adams Lane, bisects Parcel A which leads to the village centre. There are a number of mature trees located along the south-western site boundary and a series of fields, enclosed by hedging. The site contains a former orchard to the northern edge. There is a Public Right of Way in the northern portion of Parcel A. Parcel A is bordered by residential dwellings to the north, which front onto Norwich Road. To the east of Parcel A is the 16th Century Manor House and to the west is the village of Corpusty. A shallow ditch lies to the Norwich Road frontage.

Parcel B is circa 0.78ha in size and is located on land north of Norwich Road and extends up to the River Bure with the B1149 running along the eastern boundary.

Parcel A is located in Flood Zone 1. The eastern half of Parcel B is located within Flood Zone 2 and 3, forming the floodplain of the River Bure to the east of the site. There are no Tree Preservation Orders within or adjoining the application site.

Corpusty and Saxthorpe is identified as a 'Service Village' in the Adopted Core Strategy having a limited range of facilities.

The site is located within walking distance of the village centre, which contains a limited range of facilities and amenities for local residents, including a primary school, village hall, convenience shop and public house. The village is served by a number of bus services to Norwich City Centre (no. 45 and no. 610). Aylsham is located approximately 6.6 miles to the southeast of the village, Reepham approximately 5.3 miles to the south and Holt approximately 7.4 miles to the north.

THE APPLICATION

The application seeks full planning permission for the construction of 38 dwellings (Class C3) with associated infrastructure and landscaping.

The submitted site layout plan shows that residential development is to be located on parcel A with parcel B accommodating a surface water drainage scheme with biodiversity and landscape enhancements in the form of a wetland pond feature. Vehicular access to parcel A would be taken from the Norwich Road and a gated field access from Norwich Road currently provides access to parcel B would be retained. The proposed site layout indicates the main internal access road within Parcel A as being to adoptable standard, with secondary unadopted driveways / cul-de-sacs serving the residential development and a link with the restricted by-way at Adams Lane connecting the village.

Parcel A would contain approximately 0.81ha of amenity land comprising: informal buffer landscaping to established field margins, circular walks, connecting with Adams Lane; retention and enhancement of the orchard as public open space; and formation of a wildlife area within the northern portion of the site. Parcel A is also proposed to include a small wildlife pond as a biodiversity and landscape enhancement.

Parcel B would accommodate a surface water drainage scheme with biodiversity and landscape enhancements in the form of a wetland pond feature. This landscaped area is being prepared by the applicant in conjunction with the Norfolk Rivers Trust, and would not be accessible to the public.

The proposed accommodation schedule comprises 38 residential units, 8 of which would be affordable (21%) based on the following mix: 30 market dwellings and 8 affordable, 6 of which would be for affordable rent and 2 shared ownership:

Market Dwellings	30
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4 x 2 bed bungalow (4 person)	
6 x 2 bed dwelling (4 person)	
16 x 3 bed dwelling (5 person)	
1 x 3 bed dwelling (6 person)	
3 x 4 bed dwelling (7 person)	

Affordable Dwellings	8
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Affordable Rent

3 x 1 bed dwelling (2 person)	
2 x 2 bed dwelling (4 person)	
1 x 3 bed dwelling (5 person)	

Shared Ownership

2 x 2 bed dwelling (4 person)	
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<u>TOTAL</u>	38
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The application is supported by the following documents:

- Planning Statement,
- Design and Access Statement,
- Aboricultural Impact Assessment,
- Ecology Report,
- Preliminary Ecological Appraisal,
- Flood Risk Assessment and Drainage Strategy,
- Landscape Schedule,
- Geotechnical Survey and
- Energy Statement
- Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS)

A Statement of Community Involvement is also provided which sets out that a virtual presentation of the development proposal was made to residents on 18th December 2020 and indicates that a consultation event took place to 5th February 2021.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr Andrew Brown (in March 2022) in light of the following planning issues at that time:

- The proposal does not comply with planning policy delivering just 21 % affordable homes which is less than the 45% mentioned in the Local Plan and Neighbourhood Plan or indeed the 35% projected level in the emerging Local Plan;
- Significant concern amongst residents that the design of the attenuation SuDS drainage system will be inadequate to cope with excess flooding of established properties adjacent to the development site;
- Lack of consideration to the improvement of the unadopted access namely Adams Lane;
- Inadequate consideration to the ecology of the River Bure and to consider whether the benefits of the development outweigh the negative impacts on local biodiversity;
- Omission of Parcel B land from the landscape management planning;
- Absence of biodiversity design strategy to protect priority species in the Adams Lane area;
- Significant concern over the risk to public safety of the on-site pond within the public open space provision on Parcel A land;
- Absence of detail on how the applicant proposes to manage maintenance responsibility in perpetuity of the common areas within and adjacent to the site i.e. Parcel B land;
- To consider the adequacy and detail of developer contributions via s106 obligations in view of the requirement to contribute to GIRAMS.

PARISH COUNCIL

Corpusty Parish Council – Comment.

- Affordable housing is below the standard set by the Neighbourhood Plan – the application allows for 20%; where the North Norfolk policy and Neighbourhood Plan states 50%;
- Water meadow is unlikely to be able to cope with amount of surface water run-off. Water will be running into the Bure with insufficient filtration;
- Additional water will increase flood risk (houses on Norwich Road have flooded previously);
- Who will be responsible for the upkeep/maintenance of the water meadow and will costs fall to the developer or residents;
- Disappointing the EA, National Trust and Internal Drainage Board have not been consulted ;
- Increase in cars and pedestrian traffic. Junction has not been considered. No provision of footpath to village;
- Can existing electricity cables running past the site be buried when new ones are installed;
- Current foul drainage system (from Norwich Road properties and from Irmingland Road, into village pumping station) does not work, and waste water backs up into houses and gardens;
- Parish Council requests that the applicant erect a new, well-hidden pumping station in the water meadow;
- Can a covenant be imposed to prevent houses being sold as second homes;
- Design and houses sizes considered ‘boxy’ and ‘unimaginative’. Rooms are small;
- Design could more closely follow development at Edgefield nearby;
- Development should follow the ‘gold standard’ of London Housing Design Guide.
- Properties are largely 3 – 4 bedrooms, despite NP identifying a need for 1-2 bed properties and elderly people’s bungalows. Insufficient properties identified for M4 (2) higher standard for access by elderly, infirm or disabled occupiers .
- A critical review of the Drainage Report is required by North Norfolk District Council, which the Parish Council believes is flawed, to prevent flooding issues in the medium to long-term, to safeguard existing properties on the north side of Norwich Road.

CONSULTATION RESPONSES

There have been two rounds of consultation for this application. The first round of consultation took place for a period of 21 days between 06/08/2021 and 27/08/2021. The second round of consultations were for a period of 21 days between 17/01/2022 and 07/02/2022.

Amended plans have been received during the course of the application to address the comments raised by statutory and internal consultees.

The main amendments are as follows:

- A revised site layout to incorporate the addition of 2 extra visitor parking bays to address the consultation response received from the Highways Authority;
- Rearrangement of some of the rear garden spaces, to ensure that gardens are at least equal to the footprint of each dwellings, in accordance with the North Norfolk Residential Design Guidance;
- Compliant internal visibility splays to address the comments of the Highways Authority;

- Compliant visibility splays onto Norwich Road, as requested by the Highways Authority and as evidenced by the updated Arboricultural Impact Assessment, minimal vegetation removal is required to facilitate the new access onto the Norwich Road;
- Revised Landscaping Plan and Schedule to correspond with the revised Site Layout and to address the comments of NNDC Landscape and Ecology. The accompanying report provides further detail regarding the proposed function of open spaces within the site;
- Revised Arboricultural Impact Assessment to correspond with the revised Site Layout and to address the comments of NNDC Landscape and Ecology;
- Additional ecological evidence, principally in relation to the function and operation of the proposed wetland feature, and further baseline evidence in regard to the proposed wetland site. It is to be noted that Norfolk Rivers Trust are proposed to work in partnership with the applicant to deliver and manage the wetland feature to provide drainage attenuation to the proposed development, alongside ecological benefits;
- Updated Preliminary Ecological Assessment;
- Construction and Environmental Management Plan;
- Wetland Design Information and accompanying Plans;
- Water Vole Survey;
- Amendments to achieve Part M4(2) compliance in 11 proposed dwellings (29%) to comply with Corpusty and Saxthorpe Neighbourhood Plan CA1;
- Variation in elevation treatment to address the comments of the Conservation and Design officer.
- Submission of a Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) to address Natural England nutrient neutrality concerns.

Anglian Water – Original comments 13.09.2021 Comments made.

Assets – None affected

Wastewater – Corpusty Recycling Centre does not have capacity for these flows

Used Water – Sewerage system does not have capacity for these flows – informative required if connecting to an Anglian Water network

Surface Water- Preferred connection is via a sustainable drainage system.

Environment Agency – Original comments 05.11.2021 No objection

Further comments 02.02.2022 - No objection

A full summary of the comments is provided at **Appendix A**.

Historic England – Original comments 11.08.2021 No objection

It is advised that the specialist advice of the Local Authority conservation and archaeological advisors is sought.

Further comments 16.02.2022 – No objection

Natural England – *Original comments 13.08.2021 Advice*

The application is not likely to result in significant impacts on statutory designated sites or landscapes. Advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

Further comments 26.01.2022 – No comments

NOTE – A Further consultation with Natural England will be undertaken once an updated Habitats Regulations Assessment has been completed.

Sport England – *Comments 19.08.2021 No objection*

If the proposal involves the loss of any sports facility, full consideration to be given to paragraph 97 of the NPPF to protect the Local Authority's Playing Pitch or Built Sports Facility. If the proposal involves provision of a new sports facility, consideration should be given to any approved Playing Pitch or Built Sports Pitch Facility.

Norfolk Rivers Drainage Board – *Comments 20.08.2021 No objection*

The site is partly within the Internal Drainage District of the Norfolk Rivers Internal Drainage Board and the Board's Byelaws apply. The adoption of a watercourse is an acknowledgement by the Boards that the watercourse is of arterial importance to the IDD and as such, will normally receive maintenance from the IDB.

The applicant intends to discharge surface water to the River Bure - a Main River. The Environment Agency is the regulatory authority. If the proposal changes to include a discharge to an ordinary watercourse, the proposal will require land drainage consent, in line with IDB byelaw 3.

Other than the River Bure, IDB is not aware of any watercourses within or adjacent to the site boundary. This should be confirmed by the applicant. If the proposal involves alteration of a watercourse, consent would be required under the Land Drainage Act 1991.

A full summary of the comments is provided at **Appendix A**.

Local Highways Authority (Norfolk County Council) – *Original comments 27.10.2021*

Comment.

Amendments and additional information is requested regarding access, visibility splays, visitor parking, an assessment of walking routes, vehicle tracking for refuse vehicles, 20mph zone indicated on the site layout, details of the route and width of the restricted by-way, public footpath and improvements.

Further comments 21.02.2022

Comment

Visibility splays have been provided and do not impact to frontage trees and hedges. An assessment of walking routes has not been provided.

Improvements to Adams Lane should not be restricted to the site boundary and should be agreed now.

Opportunity to provide a footway across the site frontage to the southeast to the northern boundary of Chapel End.

Continuous rear boundary fences to Adams Lane should be avoided.

Additional 2 visitor spaces is welcome. Neither space will mitigate the likelihood of on-street parking.

A full summary of the comments is provided at **Appendix A**.

Lead Local Flood Authority (Norfolk County Council) – Original comments 03.09.2021

No objection, subject to conditions being attached to any consent if this application is approved and the applicant is in agreement with pre-commencement conditions and the approved surface water drainage scheme implemented prior to first occupation.

Further comments 09.02.2022 – No objection, subject to conditions.

The documents submitted illustrate the creation of a wetland area is feasible at this location. The LLFA does not disagree with the findings.

A full summary of the comments is provided at **Appendix A**.

Historic Environment Officer (Norfolk County Council) – Comments 23.08.2021 Advice.

If planning permission is granted, request a programme of archaeological mitigatory work in accordance with paragraph 218 of the NPPF, and conditions are imposed requiring the submission and approval of a written scheme of archaeological investigation.

NCC Public Rights of Way & Green Infrastructure – Comments 29.09.2021

No objection, subject to conditions and informatives requiring a detailed scheme for surface improvements or other enhancements to other public rights of way to Corpusty Restricted Byway 4 (Adam's Lane) and Corpusty Footpath 28.

The applicant will need to obtain a highways boundary plan from NCC to determine the correct location and route of the 2 public rights of way that cross the site.

NCC Planning Obligations Co-ordinator – Original comments 25.08.2021 Advice.

Obligations are sought:

Education – No early education sector provision within 3.5 miles of the proposed development. There is sufficient space at all local schools, the County Council's Children's Services Department will not be claiming developer contributions on this occasion.

Libraries – A development of 38 dwellings would place increased pressure on existing library service in relation to stock (books and ICT) and is required to increase capacity. A development of this scale would require a total contribution of £2850 (£75 per dwelling) to be spent on increasing capacity.

Fire Hydrants – Norfolk Fire Services have indicated that the proposed development will require 1 fire hydrant per 50 dwellings (or part thereof) on a minimum 90mm main at a current cost of £921. The onus is on the developer to install hydrants during construction. Given that the works are on site, it is felt that the hydrants should be delivered by planning condition.

Further comments 18.02.2022 – **No objection.**

NNDC Conservation and Design Officer – *Original comments 27.10.2021*

No objection, subject to amendments and clarification of materials in relation to bricks and tiles. Impact on heritage assets required under paragraph 202 tips in favour of the development. Design raises few substantive conservation and design concerns.

Further comments 18.02.2021 – **No objection.**

A full summary of comments is provided at **Appendix A**.

NNDC Landscape Officer – *Original comments 01.12.2021 Advice*

- No detail on function of northeastern parcel of land – how this will be planted or managed;
- Disappointing that trees T3 and T33 are being removed because of proximity to plots 36 and 38 – these are natural barrier to the site and do not need to be removed because of visibility splays/highway reasons. Removal of these trees will open up site (site is intended to be enclosed and intimate);
- Replacement planting of 3no. specimen trees is proposed but question whether sufficient space to flourish and grow to mature specimens to replace those removed;
- Confirmation required that only 2 trees (T34, T35) and part of hedging (G31) to the front of the site are to be removed for visibility splays to Norwich Road following comments from Highways Authority;
- Landscape Section would like space behind gardens 17, 18 and 19 (within red line) to be incorporated into the landscape management proposals with a clear function vision of its function.

A full summary of comments is provided at **Appendix A**

NNDC Ecology – *Original comments 01.12.2021 Advice*

Lack of clarity regarding ecological impacts, mitigation and compensation required to make the scheme acceptable and compliant with local and national policy, and legislation. Lack of detailed survey information for Parcel B is a significant constraint.

Further comments 10.03.2022 Advice

Questions remain over certain elements of the development and the resultant impact/effect on biodiversity.

Should the application be approved, the Landscape Section reiterates the importance of ensuring that the specific details as to the eventual ownership and management responsibilities, together with the maintenance schedule of the open space areas, old railway

line and Adams Lane will need to be secured by condition and as part of the legal obligation (S106).

A full summary of comments is provided at **Appendix A**

NNDC Environmental Health – *Original comments 13.10.2021* No objection, subject to conditions and informatives.

Contaminated Land reports (phase1 and 2) are sufficiently robust to support the conclusions made by the specialist. In view of this there is no requirement for further investigation. No development of areas subject to possible contaminants until remediation work has been undertaken as agreed by the Local Planning Authority.

***Further comments 16.11.2021* – No objection**

In relation to the information requested to the lighting and the air source heat pump, no further questions but ask that should the proposal change, permission is sought in writing from the Local Planning Authority.

A full summary of comments is provided at **Appendix A**

Strategic Housing – *Original comments 26.08.2021* Objection.

Unable to support the proposed development as it fails to deliver policy compliant numbers of affordable homes – the Core Strategy would expect a site in a service village to have 50% affordable housing with a lesser percentage requiring an independent viability assessment. The results of the viability assessment are awaited to determine how many affordable homes are viable on site.

A high need for affordable housing in Corpusty and Saxthorpe – there are currently 625 households on the Council's Housing List. 72 are within bands 1 and 2 – the highest housing need.

There are also no homes proposed to M4(2) accessible and adaptable mobility standards.

40% of new homes are to be 2 beds or fewer - 17 (44%) of homes are 2 beds or fewer.
20% are to be suitable for elderly, infirm or disabled. The development will meet the basic M4(1) but not the higher and more accessible M4(2).

Corpusty and Saxthorpe Neighbourhood Plan identifies i) Parcel A for housing development ii) seeks housing suitable for families and older households, including 30% to part M4 (2) iii) seeks affordable housing consistent with Local Plan policies.

On a site of 38 homes with 50% affordable (19) the following mix would be sought:

Rent

1 bed (2 person) – 6 (including 2 to part M4(2))

2 bed (4 person) – 5 (including 2 to part M4(2))

3 bed (6 person) – 3

4 bed (7/8 person) - 1

Shared Ownership

2 bed (4 person) – 2
3 bed (5/6 person) – 2

Further comments 16.02.2022 – No objection.

Council's Independent viability assessor's initial findings support the applicant's view that the site can only support 8 (21%) affordable homes.

Potentially, the site could support 9 (24%) affordable homes if other section 106 costs and community aspirations are foregone.

Welcome the inclusion of 11 homes to M4(2) accessible and mobility standards.

Hope that Broadland Housing Association will be able to secure Home England grant to convert some of the market homes to affordable.

A full summary of comments is provided at **Appendix A**

Planning Policy Manager – Comments 8.02.2022 Objection

The proposed development would be contrary to the policies of the Corpusty and Saxthorpe Neighbourhood Plan.

A full summary of comments is provided at **Appendix A**

NNDC Viability Consultant – Comments 07.03.2022 No objection.

Consider that the viability case made by the applicants is not unreasonable and supports a reduction in the level of affordable housing and s106 contributions as proposed.

Recommend a post development viability review so that excess profit is captured and additional commuted sums paid in respect of shortfall of current s106 obligations: affordable housing, off site open space and Neighbourhood Plan community benefit sum.

PUBLIC REPRESENTATIONS

Three representations have been received during the initial formal consultation period, two were in **objection** and 1 **general comment** was made. Two representations from the same address.

Summary of Representations:

- Would like assurance that Simon Waller's updated report as relevant to the Neighbourhood Plan (based on 20 new builds) will take into account the foul sewer running alongside Bure House and The Bungalow will have to be avoided or re-routed under Section 185 of the Water Industry Act 1991.
- Risk of flooding from surface water run-off
- Drainage
- Evacuation
- Number of dwellings
- Proportion of dwellings for sale against social housing
- Management of common ground, soakaways, drains and wetland field
- Electricity

- Street lighting
- Infrastructure
- Section 106 Agreement

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

PUBLIC SECTOR EQUALITY DUTY

In making its recommendation, the Local Planning Authority have given due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

STANDING DUTIES:

Due regard has been given to the following additional duties:

Natural Environment & Rural Communities Act 2006 (S40)

The Conservation of Habitats and Species Regulations 2017 (R9)

Planning Act 2008 (S183)

Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

Local Finance Considerations:

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are not considered to be material to this case.

RELEVANT POLICIES

North Norfolk Core Strategy (Adopted September 2008):

- SS1: Spatial Strategy for North Norfolk (specifies the settlement hierarchy and distribution of development in the District).
- SS2: Development in the Countryside (prevents general development in the Countryside with specific exceptions).
- SS3: Housing (strategic approach to housing issues).
- SS4: Environment (strategic approach to environmental issues).
- SS6: Access and Infrastructure (strategic approach to access and infrastructure issues).
- HO1: Dwelling Mix and Type (specifies type and mix of dwellings for new housing developments).
- HO2: Provision of Affordable Housing (specifies the requirements for provision of affordable housing and/or contributions towards provision).
- EN2: Protection and Enhancement of Landscape Character (specifies criteria that proposals should have regard to, including the Landscape Character Assessment).
- EN4: Design (specifies criteria that proposals should have regard to, including the North Norfolk Design Guide and sustainable construction).
- EN6: Sustainable Construction and Energy Efficiency (specifies sustainability and energy efficiency requirements for new developments).
- EN9: Biodiversity and Geology (requires no adverse impact on designated nature conservation sites).
- EN10: Development and Flood Risk (prevents inappropriate development in flood risk areas).
- EN 13: Pollution and Hazard Prevention and Minimisation (minimises pollution and provides guidance on contaminated land and Major Hazard Zones).
- CT2: Developer Contributions (specifies criteria for requiring developer contributions).
- CT5: Transport Impact of New Development (specifies criteria to ensure reduction of need to travel and promotion of sustainable forms of transport).
- CT6: Parking Provision (requires adequate parking to be provided by developers, and establishes parking standards).

Site Allocations Development Plan Document (2011)

Policy COR01 – Land Between Norwich Road and Adams Lane

Corpusty and Saxthorpe Neighbourhood Plan (Adopted 2019):

The Corpusty and Saxthorpe Neighbourhood Plan 2036 was 'made' (i.e. formerly Adopted) by North Norfolk District Council on 1st April 2019 and now forms part of the Statutory Development Plan for the Neighbourhood Area of Corpusty and Saxthorpe. This means that policies of the Neighbourhood Plan form part of the Statutory Development Plan and therefore have the same weight as those of the Adopted North Norfolk Core Strategy.

Overarching Policy 1 – Settlement Boundary
 Overarching Policy 2 – Residential Development
 Overarching Policy 3 – Density and Design

Priority Development Area – 1
 Priority Development Area – 2

Policy E1 – The River Bure and Valley
 Policy E2 – Protection and Enhancement of Local Biodiversity
 Policy E3 – Renewable Energy
 Policy E4 – Encourage Schemes for Low Carbon Development

Policy E5 – Local Green Space
Policy HE2 – Views of the Churches
Policy DC1 - Overall Character
Policy W&F2 – Footpaths and Public Rights of Way
Policy T1 – Traffic Calming

Community Aspirations:

Please note that the following are aspirations and do not form planning policies of the Statutory Development Plan; only the relevant policies of the Neighbourhood Plan, as summarised above, have weight in the determination of planning applications:

CA1 – Housing
CA2 – Renewable Energy and Insulation
CA3 - Archaeology
CA4 – Safety
CA6 – Ultra Fast Broadband
CA9 – St Peter’s Church
CA10 – Play Areas
CA11 – Contributions to Traffic Calming
CA12 – Public Transport

Norfolk Minerals and Waste Core Strategy and Development Management Policies 2010-2026 DPD (adopted September 2011).

Supplementary Planning Guidance:

North Norfolk Residential Design Guidance (2021)
North Norfolk Landscape Character Assessment (2021)

Material Considerations:

National Planning Policy Framework (NPPF) Dec 2024:

Chapter 2 – Achieving sustainable development
Chapter 4 – Decision making
Chapter 8 - Promoting healthy and safe communities
Chapter 9 - Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well designed places
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 - Conserving and enhancing the historic environment

North Norfolk Emerging Local Plan

The Council’s Emerging Local Plan was subject to a further round of examination in April 2025 and, following receipt of the Inspector’s letter dated 08 May 2025, subject to completion of required Main Modifications, six-week public consultation and completion of any additional modifications, the plan is expected to be found sound and adopted in Autumn 2025. At this stage, whilst the Emerging Local Plan is capable of attracting some weight for decision making purposes, this would be considered “limited” at this stage.

MAIN ISSUES FOR CONSIDERATION

The main issues for consideration:

- 1. Principle of development**
- 2. Housing Mix and Type**
- 3. Density, Layout and Design**
- 4. Residential Amenity**
- 5. Highways and Parking**
- 6. Historic Environment**
- 7. Trees and Landscape**
- 8. Ecology and Habitats Regulation Assessment**
- 9. Open Space**
- 10. Flood Risk and Drainage**
- 11. Sustainable Construction and Energy Efficiency**
- 12. Planning Obligations**
- 13. Other material planning considerations**
- 14. The Planning Balance**

APPRAISAL

- 1. Principle of Development** (Site Allocation policy COR01; Neighbourhood Plan Priority Areas 1 and 2)

In accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

Corpusty and Saxthorpe is identified as Service Village in the Adopted North Norfolk Core Strategy (2008) where a small amount of new development will be permitted to support rural sustainability.

Site Allocations Development Plan Policy COR01 (Land Between Norwich Road & Adams Lane) allocates part of the application site for development and identifies land as having capacity to deliver 18 dwellings together with public open space. Policy COR01 relates to circa 0.85ha of land which comprises the northern section of Parcel A within this application.

Policy COR01 requires the provision of 50% affordable housing and contributions towards infrastructure, services and other community needs as required, in addition to the following:

- a) Safe access solely to Norwich Road;
- b) Provision of 0.15ha public open space available in perpetuity;
- c) Wildlife mitigation and improvement measures;
- d) Approval of a scheme of mitigation to minimise impacts on the relevant SPA/SAC arising as a result of increase visitor pressure and ongoing monitoring of such measures;
- e) Demonstration that there is adequate capacity in sewage treatment works; and
- f) Incorporation of SUDs – Sustainable Urban Drainage.

The Corpusty and Saxthorpe Neighbourhood Plan was ‘made’ i.e. formerly adopted, in April 2019 following a Referendum and forms part of the Statutory Development Plan. The Neighbourhood Plan provides policies and community aspirations to guide new development in the Parish up to 2036. Two priority areas are identified for new residential development, including priority areas 1 and 2 comprising Parcel A and a Priority Area of Open Space, shown as an area of open space on the proposed site layout comprising an existing orchard, contiguous with the settlement boundary. A copy of Figure 14 from the Corpusty Neighbourhood Plan is attached at **Appendix B**.

Overarching policy 1 of the Neighbourhood Plan supports proposals for infill development within and including the priority sites where they accord with the Development Management policies of the Development Plan, comprising policies of the Core Strategy and Corpusty and Saxthorpe Neighbourhood Plan.

The principle of residential development with Parcel A of this application is therefore acceptable through policy COR01 of the Site Allocations DPD and Priority Areas 1 and 2 of the Neighbourhood Plan, subject to compliance with the requirements of other policies of the Development Plan (comprising both the Core Strategy and Neighbourhood Plan).

The development of Parcel B, located on the opposite side of Norwich Road, does not form part of the Site Allocation or a Priority Area for new residential development. It is located in an area of designated countryside, in which proposals for development outside the settlement boundary will only be supported where they are appropriate to a countryside location and are consistent with development plan policies (Overarching policy 1 of the Neighbourhood Plan and policy SS 2 of the Core Strategy). Development within Parcel B would amount to a departure from the Development Plan and it would therefore be necessary to consider any material considerations in favour to justify the departure from the Development Plan.

As the council is currently unable to demonstrate deliverable sites sufficient to provide a minimum of five years’ worth of housing. Planning applications will therefore be considered in line with paragraph 11(d) “Tilted Balance” of the NPPF which states that:

“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination”.

CS Policies SS 1 and SS 2 are therefore considered “out of date” in accordance with NPPF paragraph 11 d). Recent appeal decisions have however, continued to confirm that these

policies remain broadly consistent with the NPPF in respect of setting an overall strategy for the distribution of sufficient housing and focusing significant amounts in locations which are sustainable, thus limiting the need to travel, offering a choice of transport modes and helping to reduce congestion and emissions, so as to improve air quality and public health.

Further assessment of the titled balance will be undertaken within the Planning Balance section of the report.

2. **Housing Mix and Type** (Core Strategy policies H0 1, H0 2; Neighbourhood Plan Community Aspiration CA1 – Housing)

Dwelling Mix and Type

The Core Strategy identified a deficit of smaller starter homes across the District, including one and two bedroom dwellings. Policy H01 of the Core Strategy expects schemes of more than 5 dwellings to have at least 40% of the total number of dwellings with an internal floor area of 70 sq m or less and no more than 2 bedrooms. In addition, 20% of dwellings should be suitable or easily adaptable for occupation by the elderly, infirm or disabled (with calculations rounded up as per policy requirements).

The Corpusty & Saxthorpe Neighbourhood Plan Community Aspiration CA1 seeks housing suitable for families and older residents and to be designed and constructed to meet the changing needs of their occupants over time, with at least 30% of all new homes to meet the Building Regulation requirement M4(2) for accessible and adaptable dwellings suitable for many age groups. This is unless viability considerations dictate otherwise, or it is not practical given the physical characteristics of the site, or it would severely compromise the design and character of the area.

The proposed development comprised 38 dwellings, including 30 market (79%) and 8 affordable dwellings (21%). The mix by unit size and tenure split is summarised in the table below:

Tenure	Bedrooms (Occupancy)	Property Type	Number Proposed	Overall %
Market	2 (4)	Bungalow	4	11
Market	2 (4)	Dwelling	6	16
Market	3 (5)	Dwelling	16	42
Market	3 (6)	Dwelling	1	3
Market	4 (7)	Dwelling	3	8
Affordable Rent	1 (2)	Dwelling	3	8
Affordable Rent	2 (4)	Dwelling	2	5
Affordable Rent	3 (5)	Dwelling	1	3
Affordable Shared Ownership	2 (4)	Dwelling	2	5
TOTAL			38	

The application proposes 17 of the 38 dwellings as having 2 bedrooms or fewer (44%) in compliance with the first part of Core Strategy Policy HO1.

As originally submitted, the proposed development met the basic Part M4(1) of Building Regulations, but not the more accessible Part M4(2). In response to the comments of Housing Strategy, the applicant has addressed the policy requirement of HO 1 (ii) and community aspiration CA 1 of the Neighbourhood Plan, by increasing the proportion of dwellings achieving part M4(2) to 11 overall (29%). Whilst this is slightly lower than the Neighbourhood Plan aspiration of 30%, the proposal is on balance, considered to achieve compliance with policy HO1 of the Core Strategy and Community Aspiration CA1 of the Neighbourhood Plan.

Affordable Housing

Core Strategy Policy HO 2 sets out that where it is viable to do so, on schemes of 2 or more units or on sites larger than 0.1ha in Service Villages, not less than 50% of the total number of dwellings proposed should be affordable.

Site Allocation Policy COR01 also restates the requirement for the provision of at least 50% affordable housing to reflect the requirements of Policy HO 2 of the Core Strategy. This is also reflected in Community Aspiration CA1 of the Corpusty & Saxthorpe Neighbourhood Plan, which seeks affordable housing to North Norfolk District Council standards for schemes involving 10 or more dwellings.

The Council's Housing Strategy and Delivery Manager has confirmed that, within Corpusty, there is an identified need for affordable homes with 625 households on the Council's waiting list, and of these, 72 households are within Bands 1 and 2 – those households with the highest need. Of the 72 households, three include a household member who use a wheelchair and six are aged 60+, with the highest need for 1 bed dwellings (42) followed by 2 beds (17).

The application proposes 8no. affordable dwellings (21% in total) based on the following tenure split:

Affordable Rent
3no. 1 bed dwelling (2 person)
2no. 2 bed dwelling (4 person)
1no. 3 bed dwelling (5 person)
Shared Ownership
2no. 2 bed dwelling (4 person)

The dwellings for affordable rent and shared ownership (plots 3, 12, 14, 15, 30, 31, 32 and 36) will be pepper potted across the site.

Given that the housing mix and proportion of affordable housing with this application represents a departure from Development Plan policies in respect of affordable housing provision, the applicant has undertaken a viability assessment. Members should note that the Council's Viability Consultant has independently assessed the proposals and considers that

21% affordable dwellings, 8 dwellings in total, is the viable amount of development that can be delivered on the site. Subject to this amount of affordable housing being secured, the proposal would accord with the aims of Development Plan policy.

The applicant has indicated that, should planning permission be granted, they will seek to further maximise the provision of affordable housing by applying for grant funding from the Homes and Communities Agency. Although a welcome statement, this potential additionality cannot be secured by this permission and so would carry limited weight in the planning balance.

In respect of the Emerging Local Plan (expected to be adopted in Autumn 2025) on the basis of the supporting viability evidence, proposed Policy HOU 2 would place the site in “Zone 1” requiring 15% affordable housing. The provision of 21% affordable housing would therefore accord with the expectations of the new Local Plan.

On balance, Officers consider that the amount of affordable housing to be secured via this permission reflects the realistically achievable viable amount and would accord with Core Strategy Policy HO 2.

3. Density, Layout and Design (Core Strategy policies EN 4, HO 7; Overarching policies 2 and 3 of the Neighbourhood Plan)

Density

Core Strategy Policy HO7 requires that housing developments in designated service villages should have an indicative density of no less than 30 dwellings per hectare. The application site is located on the periphery of the village of Corpusty in a semi-rural location. Policy HO 7 advises that ‘In assessing what density is appropriate, priority will be given to ensuring that making efficient use of land does not result in development that detracts from the character of the area. The precise density will therefore be determined having regard to the sites immediate context, on-site constraints, the type of development proposed and the need to provide an appropriate mix of house types and sizes to meet the community’s needs’.

Overarching policy 3 of the Corpusty & Saxthorpe Neighbourhood Plan sets an indicative density threshold reflective of the Core Strategy policy HO 7 of a minimum of 30 dwellings per hectare, but states that within Priority Areas identified for new development, proposed development of a higher density will be supported where this results in a high quality development that respects the site concerned.

The application site area within Parcel A, in which the proposed new residential development would be located is 2.1 ha. With 38 dwellings proposed on this site, the density would be 29 dwelling per ha based on the net developable area, which is slightly less than the indicative densities set out at policy HO 7 and the Neighbourhood Plan policy.

However, given the pattern of development in the locality, which is characterised by low density residential development in a semi-rural location on the south-eastern fringes of the village, Officers consider that a slightly lower density of development is considered to be

acceptable. This recognises the proposed retention of the orchard as public open space, landscape buffers comprising hedgerows and trees on site boundaries, notably to the southern boundary, and the restricted byway, Adams Lane, that bisects Parcel A and provides an important pedestrian link to the village.

The proposal is therefore considered to provide an appropriate development density in accordance with the aims of Development Plan policy.

Design and Layout

The North Norfolk Design Guide requires development schemes to comply with the requirements of Core Strategy Policy EN 4 and sets out a number of principles to help developers achieve this including:

- The established form and character to provide a strong steer towards new development;
- Well-designed spaces with a clear purpose and function;
- Clear visual links between buildings;
- The siting and grouping of buildings should reinforce local identity;
- Private garden areas should be of an adequate size and shape; and
- Buildings should be orientated to make maximum use of solar gain.

Overarching policies 2 and 3 of the Corpusty & Saxthorpe Neighbourhood Plan set criteria by which new residential development is to be assessed. This includes the need for new residential development to complement, reinforce and enhance the local distinctiveness of the Neighbourhood Area; demonstrate how the scale, mass, layout and design of the site fits with the character of the area and wider village setting; and to adhere to the principles contained within the north Norfolk Design Guidance (Overarching policy 3). Paragraph 3.3.7 of the North Norfolk Design Guide points out that 'In a rural area like North Norfolk, informal groups of houses tend to be more compatible than any geometrical configuration'. Such a layout also adds interest and depth to the design of the site by creating areas of visual enclosures.

In regard to layout, the proposed scheme is considered to create an evolving layered street scene, and the lack of regimentation in the siting of buildings creates a relatively informal layout, compatible with an edge of village, rural location. There is a variety in parking provision, with small parking courts, covered carports and garages, which prevents the proposed scheme being unduly dominated by parking, and the development is considered to assimilate reasonably well into landscape setting of the site, taking account of important hedgerows and trees across the site. Further consideration of the landscape setting is considered below in this report. There is a mixture in the size and type of dwellings included in the layout, with 2 storey terraced cottages, semi-detached dwellings, larger detached family dwellings and bungalows, to enable a varied form, and to ensure that the scale and massing relates sympathetically to the context.

There are some deficiencies with the submitted layout, notably the lack of active surveillance from some of the plots backing onto Adams Lane Restricting Byway, which bisects Parcel A and across which the new internal road would pass. However, some surveillance would be provided from first floor rear facing windows and gardens, and plots 12, 29 and 28 would all

have active frontages facing onto Adams Lane. A second pedestrian route would also be provided by Corpusty Footpath 28, which would run parallel with the retained orchard area of public open space, located adjacent to the northern site boundary of Parcel A.

The layout is therefore considered acceptable in broad compliance with Policy EN 4 within the North Norfolk Core Strategy, the supporting guidance set out within the North Norfolk Design Guide and relevant policies of the Corpusty and Saxthorpe Neighbourhood Plan.

In terms of detailed design and materials, the Conservation and Design Officer is generally satisfied with the proposed scheme. Elevationally, individual dwelling types follow the applicant's emerging house style, with the dwellings generally considered to be appropriately proportioned and detailed. Following the initial round of consultations, the applicant has sought to amend the group of terraces (plots 36-38) at the site entrance adjacent to the new access onto Norwich Road. Given their prominent location, concerns were expressed regarding the lack of relief and modelling to the elevations, other than rectangular porches, plain roofscape and largely blank brick gables facing the main entrance. The applicant has therefore amended the design of this group of 3 terraces to improve their modelling and appearance, with the introduction of flint panelling to the front elevation of plot 36, an increase in the ridge height and footprint, and alterations to the porch design.

In regard to materials, the applicant has submitted a materials palette, which is generally considered to be appropriate by the Conservation and Design Officer to the rural context.

The proposed external materials are a combination of the following:

- Facing brickwork comprising Audley Antique, Ivanhoe Old Cottage and a White brick (details of which are to be confirmed)
- Timber cladding (black and light green)
- Flint panelling with recessed joints – proper flint cobbles, rather than pre-formed blocks
- Timber Flush casement windows (uPVC) and Liniaar Flush Casement (uPVC) double glazed uPVC in cream, sage green, light grey, dark grey and natural timber
- Sandtoft Neo Pantiles in Natural Red and Slate Grey.

However, some initial concerns were expressed regarding the choice of Facing Brick A (Audley Antique) which was not considered to be characteristic of North Norfolk, with a warmer orangery-red multi stock brick preferred, and Facing Brick B (Ivanhoe Old Cottage Blend). Additionally, the principle of the chosen roof tile is considered appropriate to the context, subject to the use of Tuscan or Flanders Sandtoft Neotile used, rather than a one-dimensional natural red roof tile.

The applicant has therefore updated the materials palette, by replacing the bricks with Weinberger Old Heritage Antique Brick and Ivanhoe Westminster. The second choice of brick is still considered to be unacceptable for the location however, owing to patchy chequerboard of brick, uncharacteristic of the District. The Conservation and Design Officer has therefore recommended a number of alternative brick choices to the applicant that are considered to be more appropriate to the local context.

In terms of hard surfacing materials, and boundary treatments, the proposed scheme is considered to be acceptable. A short section of the main adopted access road would be asphalt with impermeable setts elsewhere, with unadopted private driveways a mixture of permeable setts and bound gravel, and estate paths in Breedon gravel. Boundary treatments would comprise either 1.2, 1.5, 1.8 metre high brick walls with capping detail or close panel timber fencing, with 1.2 metre high estate rail fencing to the small attenuation pond in the northern half of Parcel A.

In summary, officers consider that the proposal meets the design aspirations of the Core Strategy Site Allocation and the Corpusty and Saxthorpe Neighbourhood Plan, as the design of the scheme takes into account local context and character, and the scale and massing of buildings would also be sympathetic to existing rural context. Subject to planning conditions to secure a final materials schedule and hard landscaping scheme, the proposal is therefore considered to be in accordance with Policy EN 4, the supporting guidance as set out within the North Norfolk Design Guide and Overarching policies 2 and 3 of the Neighbourhood Plan.

4. Residential Amenity (Core Strategy policy EN 4; Overarching policies 2 and 3 of the Neighbourhood Plan)

In regard to the impact on neighbouring amenity, development proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers and all new dwellings should provide acceptable residential amenity to satisfy Core Strategy Policy EN4 and Residential Design Guidance.

Proposals are required to sit comfortably with existing adjacent dwellings in terms of scale, mass, height and orientation (overarching policy 2 of the Corpusty & Saxthorpe Neighbourhood Plan) and to take into account the principles of North Norfolk Design Guidance (overarching policy 3).

In regard to the proposed dwellings, the submitted layout demonstrates that each new dwelling would have private amenity space in the form of a rear garden. Officers initially raised concerns with the applicant regarding the size of private gardens of some of the units, which should be no less than the footprint of the dwelling on the site, to reflect the number of occupants, and to have an aspect that is free from shading during the year.

Plots 3, 4, 5, 31, 14, 10, 13 are identified as having small gardens, and plots 27, 26, 21, 20, 19, 30, 31, as being in shadow from retained, mature trees along site boundaries. The Shading Diagram submitted with the Arboricultural Survey demonstrates that the shading impact would be minor–negligible on the affected dwellings largely located on the southern site boundary, apart from plot 19, which is stated as having a ‘moderate’ harm, with most of the garden in shade from mid-afternoon onwards. Officers consider that, whilst the shade impact to a single dwelling is most unfortunate, this impact has to be considered within the context of the wider site. Whilst Officers consider the impact to not be so severe as to sustain a refusal of permission, the issue of non-compliance would nonetheless need to be appropriately weighted when making the overall planning balance.

With regard to garden and plot size, the applicant has provided a ratio of garden to plot size. This demonstrates that whilst some of the plots are small they are of equivalent footprint to

dwelling. Furthermore, small gardens would be compensated for by the overprovision of on-site amenity space. The applicant has however submitted a revised layout which increases the garden sizes to some of the smaller dwellings, notably to plots 3, 5, 14, 22 and 37. A couple of units are identified as falling below national minimum floorspace standards (Technical Housing Standards 2016) (plots 1-3, 10, 20, 24 and 25) but this is by a marginal amount in the majority of cases. The applicant confirms that all dwellings would retain Homes and Communities Agency's Housing Quality Indicators.

In regard to neighbouring amenity, existing dwellings adjacent to the application site, would not be subject to any reduced level of privacy or overlooking when measured against the recommendations of the Design Guidance. It is noted that plots 33-34 would only achieve a separation distance of just under 17 metres, but these would be bungalows, and there is a high close boarded fence forming the boundary to the neighbouring property. In the context of the wider scheme, this relationship is considered to be acceptable. Similarly, plots 5 and 1-3 and 16 would encroach towards neighbouring residential properties adjacent to the southeastern site boundary, but given the change in levels, orientation of dwellings and high close boarded timber fencing that forms the boundary, there is not considered to be any significant loss of amenity.

On balance, the relationship to neighbouring residential properties is not considered to be significantly detrimental to residential amenity, and the proposal is considered to be in broad compliance with policy EN 4.

5. **Highways, Access and Parking** (Core Strategy policies CT 5, CT 6; Site Allocation DPD policy COR01; Neighbourhood Plan policy T1, Community Aspiration CA11 – Contributions to Traffic Calming and CA12 – Public Transport)

Core Strategy Policy CT 5 considers the transport impact of new development and sets out that proposals should be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its location. Policy CT 5 lists specific criteria against which development proposals are to be assessed including:

- *Safe and convenient access on foot, cycle, public and private transport addressing the needs of all;*
- *Capable of being served by safe access to the highway network without detriment to the amenity or character of the locality;*
- *Expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety; and*
- *Development proposals with significant transport implications to be accompanied by a transport assessment.*

Paragraph 116 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios..

Site Allocations Development Plan Policy COR01 requires the provision of safe access solely to Norwich Road for a development of approximately 18 dwellings, in addition to the contributions towards infrastructure, services and other community needs.

The Corpusty and Saxthorpe Neighbourhood Plan (Policy T1) states that new development that promotes and protects highway safety will be supported. In addition, Community Aspirations CA11 – Contributions to Traffic Calming, requires new residential development comprising 5 or more dwellings, to generally contribute towards traffic calming measures where the evidence supports such a need, and to ensure that the nearest bus stops will be brought up to a good standard (Community Aspiration CA12 – Public Transport).

Access

The application proposes a single point of vehicular access to the site (Parcel A) on to Norwich Road forming a new priority T-junction. This will require the removal of a section of hedgerow and vegetation at this point. Norwich Road is subject to a 30mph speed restriction. A new internal access road is proposed as a pedestrian and vehicular shared surface with new pedestrian footways along both sides of the adopted access road into the site. The internal road layout transitions into a shared surface with private driveways and a raised table demarcating the crossing with Adams Lane bridleway.

The applicant has undertaken an assessment of the road traffic accidents within the vicinity of the site and within Corpusty village centre over a five-year period (2015-2019) which identifies no slight, serious or fatal accidents. The level of traffic generation from this proposed development during the morning and afternoon peak periods, is anticipated to be 15 departures and 8 arrivals during the morning peak and 8 departures and 15 arrivals in the afternoon peak, based on a TRICs assessment undertaken by the applicant. This demonstrates that the quantum of vehicular trips proposed by this development can be accommodated on the surrounding highway network, without any capacity issues. Officers consider that the proposal would accord with the aims of Core Strategy Policy CT 5.

In regard to sustainable modes of transport, the site is located approximately 250 metres from the village centre and is considered to be within reasonable walking distance of local amenities and community facilities including the village shop, public house and primary school via Adams Lane (Restricted Byway 4) and public right of way Corpusty Footpath 28.

Secure, covered cycle storage is proposed for each dwelling (sheds to each garden) and the nearest bus stop is located at a distance of approximately 100 metres to the north of the site in the village centre, providing access to Norwich and Reepham.

The Highway Authority has been consulted on the application and raised a number of issues which the applicant has sought to address with an amended site layout. The site layout as revised incorporates a junction with 6 metre kerb radii and 2.4 x 59 metre visibility splays at the new vehicular access onto Norwich Road with minimal vegetation removal. Internally, the junction adjacent to plot 35 accommodates 6 metre kerb radii and visibility splays in both directions measuring 2.4 x 25 metres. Adequate visibility splays are provided to the existing

gated field access to Parcel B, although access would be restricted to maintenance vehicles only, as it is not proposed that Parcel B would be publicly accessible. Internally, vehicle tracking for refuse vehicles is provided, and the layout annotated to show that the internal road would be a low traffic, low speed layout, subject to a 20mph speed restriction.

The new internal access road would bisect Corpusty Restricted Byway 4 (Adam's Lane) and would narrow at this point. The applicant is seeking to upgrade the existing PROW Corpusty Footpath 28, which connects onto Norwich Road, and to upgrade Adams Lane restricted byway to an adoptable standard, with indicative details of a 1.2 metre wide access and resin bound gravel surface to Adams Lane. In the case of the restricted byway, the upgrades and improvements to Adams Lane would extend beyond the application boundary and would be secured through a Section 278 Agreement. It is considered that further details of a crossing scheme to Adams Lane, to show the carriageway width, surfacing treatment and lighting at this point, and a detailed specification and ongoing maintenance scheme of upgrades to restricted byway Adams Lane and Corpusty Footpath 28, could be secured by planning condition. Whilst the applicant has considered the provision of a continuous footway from the B1149 to Chapel End, Norwich Road, to address the comments of the County Highways Authority, this has not been taken forward on viability grounds. It is considered that subject to these upgrades to the existing byway and public right of way, adequate pedestrian connectivity could be provided to the site.

Parking

Core Strategy Policy CT 6 considers parking provision designed to ensure that adequate vehicle and cycle parking facilities are provided.

In respect of parking provision within the site, the development comprises the following:

- 3no. 1 bed units
- 14no. 2 bed units
- 18 no. 3 bed units
- 3no. 4 bed units

According to the Core Strategy policy CT6, the development should deliver a 1.5 spaces per 1 bed unit, 2 spaces per 2/3 bed unit and 3 spaces per 4 bed unit, amounting to a total on site requirement of 78 parking spaces. The parking provision with the application is for 84 spaces. Parking will be provided either within the curtilage of properties, some within garages and carports, or in small parking courts to Adoptable Parking Standards. The Highway Authority notes some deficiencies in the internal layout, with some of the parking spaces to plots 14, 23 and 27 having no natural surveillance of their allocated spaces. In addition, some concerns were highlighted regarding the lack of visitor parking space in the form of roadside laybys resulting in on-street parking. The applicant has increased visitor parking with 2 additional spaces, including an inset bay adjacent to plot 29 and to the parking court adjacent to plot 21, This is in addition to 2 visitor parking spaces adjacent to plots 30-32.

Notwithstanding the limited visitor parking, the proposed development is considered to be compliant with Policy CT6 of the North Norfolk Core Strategy.

6. Historic Environment (Core Strategy policies EN 4, EN 8; Neighbourhood Plan Community Aspiration CA 3 – Archaeology, policy HE 2 – Views of the Churches, CA 9 – St Peter's Church)

Under the provisions of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention is to be paid to the desirability of preserving a listed building or its setting or any features of special architectural and historic interest. The NPPF at paragraph 213 states that any harm to, or loss of, the significance of a designated heritage asset (from alteration or destruction, or development from within its setting) should require clear and convincing justification. Great weight is to be given to the asset's conservation, irrespective of whether any harm amounts to substantial harm, total loss of, or less than substantial harm to its significance (paragraph 212).

Policy EN 8 of the Core Strategy states that development proposals should preserve or enhance the character and appearance of designated assets, other important listed buildings, structures and their settings through high quality sensitive design. It should be noted that the strict 'no harm permissible' clause in Policy EN 8 is not in strict conformity with the guidance contained in the National Planning Policy Framework (NPPF). As a result, in considering any proposal for the site the Local Planning Authority will need to take into consideration Section 16, paragraph 215 of the NPPF. This requires that where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset, including any contribution made by its setting, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Listed Buildings

The closest listed building to the application site is the Grade II listed 16th Century Farmhouse, located approximately 35 metres to the southeast of the application site and accessed from Norwich Road. The Grade I listed St Andrew's Church, Saxthorpe and the Grade II* listed St Peter's Church, Corpusty are located approximately 480 metres to the northeast and 400 metres to the southeast respectively from the application site.

In consultation with the Council's Conservation Officer, the proposed development would clearly envelope and encroach into the existing field (Parcel A) that surrounds the listed farmhouse to the southeast of the site. This would result in some harm being caused to this important heritage asset, as historically the listed building has derived part of its significance from its outlying position away from the main body of the village. Clearly, however, the development would see it being merged into the built envelope. The setting of the listed farmhouse has been compromised to some extent however by late 20th century highway improvements (B1149) which now sees the heritage asset positioned on an engineered crossroads and a wide bypass. Recent barn conversions to the northwest have also introduced a domestication and residential character to the setting of the listed farmhouse, and the erection of close boarded timber fencing on the south-western boundary that frames the adjacent footpath, has also compromised the immediate setting. The level of harm is considered to be 'less than substantial', owing to a combination of curtilage having a self-contained quality that is framed by existing mature planting on its South Western boundary. This creates meaningful separation distance between the existing and proposed buildings. A combination of the changing levels and the respective siting and orientation would prevent any direct competition between the existing and proposed buildings.

Whilst matters of planning judgment and the weight to be afforded are matters for the Committee, as decision maker, Officers consider that the proposed development would not impinge upon or block any important views of the heritage asset. As such it is considered that only modest public benefits would be needed to outweigh any harm to heritage significance.

Officers consider that it would be perfectly reasonable for the Committee to conclude that the public benefits of the proposal, in particular the provision of housing and affordable housing meeting an identified local need, could outweigh the less than substantial harm to the setting of the heritage asset.

In regard to the impact on views to the Grade I listed St Andrew's Church and the Grade II* listed St Peter's Church, the Neighbourhood Plan identifies the importance of maintaining the views and setting of both churches at policy HE2. Development that would affect the immediate or wider viewpoints of these churches should be informed by a Landscape and Visual Impact Assessment. Given the intervening distance to St Peter's Church and the mature tree belt on the southern site boundary that would be retained with the proposed development, and the intervening distance and topography to St Andrew's Church, Officers consider that the proposed development would not impact upon sightlines or their landscape setting.

Archaeology

Policy EN 8 requires development proposals affecting sites of known archaeological interest to include assessment of their implications and to ensure that important archaeological remains are preserved. Community Aspiration CA3 of the Corpusty and Saxthorpe Neighbourhood Plan requires all potential development within 250 metres of an existing Historic Environment Record to consult with Norfolk Environment Service to establish whether a detailed archaeological survey is required.

The applicant has undertaken pre-application discussions with Norfolk County Council's Historic Environment Service, who identified the site as having potential to contain heritage assets of archaeological interest, including Late Saxon, post medieval remains and a small cottage at the eastern end of the site (based on 1839 Corpusty Tithe Map). Given the presence of such heritage assets, a programme of trial trenching would be required to be undertaken before the commencement of development in accordance with a written scheme of investigation, and for site investigation and post site investigation assessment to be completed before the development is occupied. This would be secured by planning condition.

On balance, subject to the imposition of conditions, the proposed development would accord with the aims of the Development Plan Policy, guidance within the National Planning Policy Framework and Statutory requirements.

7. Trees and Landscape (Core Strategy policies EN 2, EN 4; Neighbourhood Plan Overarching Policy 2)

Local Plan Policy EN 2 seeks to protect and enhance the existing landscape and settlement character of the area in respect of location, scale, design and materials to protect, conserve and/or enhance:

- the special qualities and local distinctiveness of the area;
- gaps between settlements, and their landscape setting;
- distinctive settlement character;
- the pattern of distinctive landscape features, such as trees and field boundaries, and their function as ecological corridors for dispersal of wildlife; and
- visually sensitive skylines.

Core Strategy Policy EN 4 sets out that development is expected to 'retain important landscaping and natural features and include landscape enhancement schemes that are compatible with the Landscape Character Assessment and ecological network mapping'. Overarching policy 2 of the Neighbourhood Plan requires development to safeguard existing hedges or to replace them to an appropriate standard by alternative planting to Sites 1 and 2. The sub-text to the policy notes that hedgerows in the Parish are protected by the Hedgerow Regulations; hedgerows in danger of being removed as a result of new development should be replaced and accompanied by an after-care and management scheme. Supplementary planning which strengthens the existing network of hedgerows and ecological corridors will be encourage.

The site is located within the River Valleys Landscape Character Area, as designated by the North Norfolk District Council Landscape Character Assessment 2021, with the application site being located in the River Bure river valley and its tributaries. The main characteristics that derive from the River Bure River Valley are a nucleated settlement pattern. Corpusty and Saxthorpe is identified as having gradual residential infill over decades, resulting in a more dispersed settlement pattern, with the main settlement concentrated in the valley floor and development running along valley sides. The intimate, contained rural character, variety of landscape elements (woodland, pasture, historic villages) and wealth of biodiversity, combined with the distinctive character and cultural heritage of individual settlements, therefore give a strong sense of historic place with varied vernacular styles.

The applicant has undertaken an Arboricultural Method Statement, Tree Protection Plan, Landscape Scheme and Management Plan in support of the application, which have scheme has been assessed by the Council's Landscape and Ecology Officer. The majority of vegetation and proposed planting is to be retained within public areas of the site and ownership/management responsibilities would be retained by Broadland Housing Associated / Management Company, the details of which could be secured by planning condition and Legal Agreement.

Overall, the proposed development has sought to retain most of the valued trees and hedgerows across the site and the impact on retained trees is considered to be negligible: 10 trees are proposed to be removed overall and 6 groups of hedging or scrub would be partly removed or removed entirely out of 89 individual trees and groups. Following initial comments from the Landscape Officer, the applicant confirms that T33 (Ash Tree) at the location of the new access onto Norwich Road, is to be retained; however, two other trees (T34, T35 both Ash Trees) along with a section of hedgerow (G31 mixed hedgerow) would need to be removed, in order to accommodate the new vehicular access onto Norwich Road. Three hornbeam and additional field maple and bird cherry trees are to be planted to bolster and reinforce the entrance to the development site, which is considered acceptable.

Hedges bordering Adams lane (G39, G40, G48 and G49) and some other boundaries are reduced in height and spread/depth, in order to accommodate new housing. Trees are proposed to be removed and pollarded along the western former railway embankment and new planting is proposed to reinforce the tree belt, with species proposed in the form of small trees and understorey planting, Hazel, Field Maple, as well as 3 Hornbeam Trees. The Landscape Schedule and Landscape Management Plan has been updated to reflect discussions held between officers and the applicant, and additional and more appropriate planting has been specified on the old railway line to the satisfaction of the Landscape Section.

Parcel B would primarily function as a wetland SuDS feature with the remaining land seeded as a wildflower meadow. An access route would be retained around the wetland feature to enable maintenance, but no public access would be allowed on Parcel B. The applicant has provided a Landscape Management Plan for the Wetland SUDs Feature and it is recommended that this is secured by condition.

The retention of Adams Lane, which bisects Parcel A, as an informal path and wildlife and landscape corridor is welcome. External lighting is to be limited in this allocation and secured by planning condition. The comments of County Highways and the Public Rights of Way Officer in regard to the re-surfacing of Adams Lane are noted, but any new surfacing treatment along this section is to be informal and to maintain the rural character.

The proposal would accord with Development Plan policy subject to the imposition of a number of planning conditions to secure the AIA, Tree Protection Plan and to ensure that works are undertaken in accordance with the relevant British Standard in regard to trees (BS3998), and the securing of Landscape Specification and Management Plans for Parcel A and the Wetland SUDs feature in Parcel B.

8. Ecology and Habitats Regulation Assessment (Core Strategy policies EN 2, EN 9; Site Allocation Policy COR01; Neighbourhood Plan policy E1 and E2)

Core Strategy Policy EN2 requires that development should 'protect conserve and where possible enhance the distinctive settlement character, the pattern of distinctive ecological features such as ...field boundaries and their function as ecological corridors for dispersal of wildlife, along with nocturnal character'.

Core Strategy Policy EN 9 sets out that 'All development proposals should: protect the biodiversity value of land and buildings and minimise fragmentation of habitats; maximise opportunities for restoration, enhancement and connection of natural habitats; and incorporate beneficial biodiversity conservation features where appropriate.

Development proposals that would cause a direct or indirect adverse effect to nationally designated sites or other designated areas, or protected species, will not be permitted unless; they cannot be located on alternative sites that would cause less or no harm; the benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and prevention, mitigation and compensation measures are provided. Development proposals that would be significantly detrimental to the nature conservation interests of nationally designated sites will not be permitted.

Where there is reason to suspect the presence of protected species applications should be accompanied by a survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for, their needs.

The Site Allocation policy COR01 requires wildlife mitigation and improvement measures. Policy E1 of the Neighbourhood Plan states that development proposals within or adjacent to the River Bure and its surrounding valley, will only be supported if the primary objective is to conserve and enhance the wider river valley and its habitats, or any protected species; or the benefits of and need for development in that particular location outweigh the adverse impact on the integrity of the River Bure and its river valley. Policy E2 states that development that leads to the enhancement of ecological network will be supported, particularly where it would improve habitat connectivity or support the management of County Wildlife Sites, Roadside Nature Reserves and/or the Bure River Valley.

The applicant has submitted the following ecological reports in support of the application:

- Preliminary Ecological Assessment and
- Reptile Presence and Absence Survey.

The applicant has provided additional ecological evidence at the request of officers, principally to address the function and operation of the proposed wetland feature, located in Parcel B, and to provide further baseline ecological evidence regarding the proposed wetland site. The applicant intends to work with Norfolk Rivers Trust in partnership in the delivery and management of the wetland feature in Parcel B that would principally provide drainage attenuation for the proposed development, alongside wider ecological benefits. The applicant has therefore provided an updated Ecological Appraisal, Construction and Environmental Management Plan, prepared by Norfolk Rivers Trust, Wetland Design information and accompanying plans, and a Water Vole Survey Report, also prepared by Norfolk Rivers Trust.

In broad terms, the key wildlife features across the site comprising Parcels A and B are identified as:

- The old railway line
- The green lane (Adams Lane) with its twin hedgerows and unsealed track; and
- Existing hedgerow boundaries and mature trees.

The Ecology Survey identifies that these features would be retained within open spaces, highway boundaries and against inclusion within domestic gardens. A key part of the mitigation component of the ecological surveys is for the site to be cleared under a method statement with advice from an Ecologist, in the form of a Construction Environment Management Plan to be secured by planning condition. In addition, a number of enhancements (bat and bird boxes, wildlife friendly planting and hibernacula) are recommended, which are incorporated into the Landscape Schedule and scheme design.

Parcel B - Water Vole Survey

The submitted reports documents (January 2022 Water Vole Survey and Wetland Feasibility Assessment and Design) state that the wetland SuDS feature located in Parcel B is proposed to be a mosaic of shallow open ponds, dense emergent vegetation and seasonally inundated wet grassland areas. The submitted drawings showing the wetland shows as an irregular shaped, single waterbody measuring approximately 65 metres in length and 35 metres at its widest point, and 19 metres at the narrowest point, with a permanent water depth of 20 cm and maximum water depth of 70 cm. The schematic cross section shows a normal operating water depth of 15cm and an extreme flood event level of 1.1 metres. The Feasibility report provides the necessary detail to confirm that the quality of the water discharging from the wetland feature would be of sufficient quality so that adverse impacts do not arise.

The applicant has undertaken a water vole survey and the presence of water voles has been established and the possible avoidance, mitigation and enhancement options are clearly presented in the report. The provision of wetland habitat adjacent to the river as part of the development would provide significant conservation gains for the local water vole population in the long-term, and it is considered Natural England would be likely to grant a mitigation Licence should one be required. As such, officers are satisfied the proposed development can be successfully implemented without significant detrimental impacts upon water voles.

A Construction and Environmental Management Plan for the construction of the wetland has been prepared by Norfolk River Ecology Limited and is submitted along with the additional information. The Landscape Officer recommends that if the application is approved, planning conditions (incorporating the CEMP prepared by NREL) should be secured to avoid adverse impacts on biodiversity. The proposal is therefore considered to comply with policy E1 of the Neighbourhood Plan and EN9 of the Core Strategy.

Bats

The applicant has undertaken a further bat survey (February 2022) for bat roost potential in a disused building (dilapidated shed) within Parcel A at the request of officers, which has been found to have 'negligible potential' for bat roosts. In regard to trees identified for removal across the site, these are identified as having 'low' potential for bat roosts (T28, 32, 34 and 35), based on a lack of large holes and cavities. Six trees are identified as requiring works and most are identified as having 'low' potential for bat roosts; however, T57, a large Oak Tree is identified as having 'significant' potential for bats. It is recommended that this tree is inspected and should bats be found, additional surveys and licencing from Natural England would be required. The Council's Ecologist has reviewed the survey findings and notes the potential for a bat roosts within the section of canopy to be removed in T57 (oak Tree) and if so a European Protected Species licence would be required.

Breeding Birds

The February 2022 Small Ecology report suggests that the site "does not appear to support any bird species of particular significance". The Landscape Officer notes that while this statement may be correct, the survey provides no quantification as to the impact of the development on breeding birds as a species group, as result of the loss of suitable habitat;

therefore it is difficult to establish if the suggested enhancement measures are adequate to compensate for this loss of bird nesting habitat.

Great Crested Newts and Reptiles

The applicant has undertaken reptile presence surveys that have identified low populations of common lizards on the site, with the main population not originating on the site. Clearance of the site has already taken place through mowing, but it is recommended that mitigation involves sensitive site clearance to remove further scrub and grassland, and that areas at the edge of the site are maintained for long-term management of hedgerows and railway embankment (as suitable mosaics for reptiles of scrub, with tall grassland and sunny short areas for basking). The Landscape Section concur with the findings of the report and consider that suitable mitigation measures for reptiles could be secured as part of a CEMP through a planning condition.

In regard to Great Crested Newts (GCN), the applicant has provided further evidence in regard to the impact on GCN in the updated Ecological Survey (February 2022). The updated and original Ecology Survey (February 2021; January 2022) found that the site is located within a GCN Amber Zone, identified as containing main population centres, habitats and dispersal routes and where development with a significant land take would be expected to have a high impact on GCN. Four ponds are located within 250 metres of the site, with one pond identified as having GCN. However, the proposed development is not considered to result in significant adverse impacts to GCN, owing to the presence of this pond on the other side of the bypass and north of the River Bure; therefore, connectivity to the site is limited and the risk to GCN is not significant. The applicant has the option to apply for a district licence on a precautionary basis to secure conservation benefits to local GCN populations, but this is not considered necessary in order to mitigate for impacts on the species.

In summary, the Landscape Officer notes some shortfalls in the submitted ecological surveys. For example, the submitted surveys do not demonstrate whether Adams Lane and other features such as trees and hedgerows, are important commuting/foraging habitat for bats, or adequately quantify the significance of the impact of the proposed development on breeding birds. Although the Arboricultural Survey quantifies which trees/hedges would be removed for the development, the AIA does not interpret these losses with respect to the ecological impact as a habitat (including Priority Habitat), or the effect on ecological receptors that may utilise that habitat.

The Landscape Officer therefore considers that based on the information that has been submitted, it is apparent that habitats (including priority habitats i.e. hedgerows) within the site would be fragmented as a result of the development; however, the consequence of this is unknown, and it is difficult to fully assess whether the mitigation measures and biodiversity measures incorporated into the development are adequate.

On this basis, it is difficult to conclude that the development would comply fully with the requirements of policy EN 9 of the Core Strategy and policies E1 and E2 of the Neighbourhood Plan, and this departure would have to be weighed in the overall planning balance. Notwithstanding this, a number of planning conditions are necessary to secure a

comprehensive site wide Construction and Environmental Management Plan, a lighting specification and a Biodiversity Design Strategy specifically for Adams Lane, in order to ensure that adequate measures are taken to safeguard and protect priority species that may use the Lane. In addition, planning conditions are necessary to secure the implementation of Landscape and Ecological Management Plans for both Parcels A and B and to ensure that the recommended ecological enhancements and mitigation measures are adhered to, as set out in the Ecology Reports.

Habitats Regulations Assessment

Policy EN 9 of the North Norfolk Core Strategy identified that any proposed development that would cause a direct or indirect adverse effect to nationally designated sites (which includes SSSI sites) should provide further mitigation.

Recreational Impacts

The development site is within the Zones of Influence of the Norfolk Valley Fens (15km), the Broads site (25km) the North Coast sites (42km) and the Wash sites (61km). The development could have a likely significant impact on the conservations objectives of the SAC/SPA/Ramsar sites above through increasing recreational pressure associated with rising visitor numbers.

Norfolk local planning authorities (LPAs) have worked collaboratively to adopt and deliver a Green Infrastructure and Recreational Impact Avoidance and Mitigation (GIRAM) Strategy to ensure that the cumulative impacts of additional visitors, arising from new developments of housing and tourism to European sites, will not result in any likely significant effects which cannot be mitigated. The application site is within the Zone of Influence of a number of such sites with regards to potential recreational impacts.

In line with the RAM strategy a mechanism has been secured to ensure the appropriate financial contribution per dwelling (currently £310.17 per dwelling). Based on 38 dwellings, a GIRAMS contribution of £11,558.46 is required which is sufficient to conclude that the project will not have an adverse effect on the integrity of the above identified European sites from recreational disturbance, when considered alone or 'in combination' with other development.

As such the proposal complies with CS policy EN 9.

Nutrient Neutrality

On 31 March 2022, the application was referred for determination by the Development Committee. However, in light of new Habitat Regulations matters raised by Natural England concerning Nutrient Neutrality (published on 16th March), the application (plus a number of other cases on that agenda) were deferred so that the implications of Natural England's advice could be properly considered.

Since deferral, the applicant has been considering various options to address nutrient neutrality matters and a to deliver required mitigation solutions. An option to purchase credits

was considered but proved financially unviable at current credit prices due to the amount of credits needed (based on the performance of the current Corpusty sewage treatment works). Instead, the applicant proposes to secure sufficient nutrient mitigation via replacement of 22 septic tanks serving existing dwellings across the Bure catchment. The applicant proposes to deliver the development across three phases as follows:

Phase	Units Delivered
Phases 1a and 1b	17 units (Plots 1-8 and 30-38)
Phase 2	10 units (Plots 9-12 and 24-28)
Phase 3	11 units (Plots 13-23)



Plan 1 - Indicative Phasing

The applicant has submitted a Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) setting out their nutrient calculations using the Norfolk calculator.

The NNAMS report shows that 22 existing septic tanks could be replaced with package treatment plants (likely to be Haba BioEasyFlow package treatment plants) which would

discharge significantly less nutrient than the existing septic tanks, and that this reduction in nutrient discharge is greater than the increase caused by the 38 new dwellings.

The proposed replacement of septic tanks is not a new or novel concept and has been used by Norfolk Environmental Credits to deliver credits for sale.

The applicant has set out that, to be included in the scheme, each property subject to the replacement septic tank with a PTP must pass an assessment which includes the following:

- Existing tank compliance with the appropriate parts of the General Binding Rules (GBR).
- Existing tank location with respect to low risk small scale discharge zone.
- Proposed PTP compliance with the appropriate parts of the General Binding Rules (GBR), based on retention of the exiting discharge (to ground within 10m of the original infiltration device).
- Confirmation that a Building Regulations compliant treatment system can be installed including infiltration testing, discharge volume calculation and sizing of a compliant drainage field.

The NNAMS report indicates that Tanks will be replaced in batches of 5-6 (Phase 1a = 5 tanks, Phase 1b = 5 tanks, Phase 2 = 6 tanks and Phase 3 = 6 tanks) with Addendum NNAMS reports to be submitted prior to the commencement of each Phase to confirm the design of each replacement.

Prior to the grant of any planning permission, the Local Planning Authority will complete a Habitats Regulations Assessment and consult Natural England.

Subject to mechanisms to secure the nutrient mitigation, which is expected to be via conditions and a S106 Obligation, the proposal is expected to address Natural England nutrient neutrality concerns and the proposal would comply with Core Strategy Policy EN 9.

9. Open Space (Core Strategy policy CT 2; Site Allocation DPD policy COR01; Overarching policy 2 of the Neighbourhood Plan and CA10 – Community Aspiration Play Areas)

Community Aspiration CA10 Play Areas of the Neighbourhood Plan seeks to ensure that community resources are allocated to preserve and upkeep play areas. Core Strategy Policy CT 2 requires developer contributions for schemes of 10 dwellings or more where there is insufficient capacity in infrastructure, services, community facilities or open space. The Core Strategy's Open Space Standards therefore requires a development of 38 dwellings to provide the following levels of open space on-site:

- Amenity Green Space: 855 sqm
- Play Space (Children): 85.5 sqm

And the following off site contributions:

- Allotments = £14,190
- Parks and Recreation Grounds = £108,205
- Play Space (Youth) = £7,261

The submitted layout demonstrates that amenity space would be provided on site in the area of retained orchard on the northern edge of the site, as required by policy amounting to approximately 2,284 sq metres (0.2284 ha). This in excess of the Open Space Standards.

In addition, the proposal would provide approximately 5,305 sq metres natural green space in the form of an informal walkway on the southern and western site boundary and along Adams Lane. Therefore, given on-site provision, financial contributions in respect of amenity green space and natural green space would not be sought with this development.

The 2019 Open Space Study identifies a deficit of Youth Play Space and Parks and Recreation Grounds in the Parish of Corpusty, which is where off-site contributions would be allocated towards. The applicant is agreeable to a financial contribution towards Play Space (Youth) of £7,261, but is unable to agree to the other contributions and has submitted viability evidence to show that the proposed scheme would not be viable should all the off-site contributions be requested. This has been verified by the Council's Viability Consultant, who has verified the contents of the applicant's viability report. The site would therefore be unable to provide any other open space requirement without the loss of affordable dwellings, and the application as submitted would be unable to comply with the full requirements of Policy CT 2 of the Core Strategy.

The proposal would not therefore accord with relevant development plan policy in relation to open space and this departure would have to be weighed in the overall planning balance.

Any off-site financial contributions towards Youth Play Space, could be secured by way of S106 Obligation.

10. Flood Risk and Drainage (Core Strategy policy EN 10; Site Allocation COR01; Neighbourhood Plan overarching policy 2 and E1: The River Bure and Valley).

Core Strategy Policy EN 10 considers development and flood risk and seeks to ensure that the sequential test is applied to direct new development to be located only within Flood Risk Zone 1. Development in Flood Zones 2 and 3 will be restricted. Policy EN10 requires new development to have appropriate surface water drainage arrangements for dealing with surface water run-off. The use of Sustainable Urban Drainage systems is preferred.

Site Allocations Development Plan Policy COR01 requires that SUDs is incorporated into new residential development and that there is adequate capacity in sewage treatment works. Overarching policy 2 of the Neighbourhood Plan requires that all new residential development should make appropriate provision for the disposal of foul and surface water.

The sub-text to policy E1 of the Neighbourhood Plan (The River Bure and Valley) shows a 100 metre restriction zone at Figure 15 of the Neighbourhood Plan (See copy at **Appendix C**). Within this location, housing and other development will not be supported.

Flood Risk

The applicant has undertaken a Flood Risk Assessment and Drainage Strategy produced by Rossi Long in support of the planning application, which identifies that Parcel A is located entirely within Flood Zone 1, and is therefore in an area of Low Flood Risk. The northern and eastern boundaries of the site of Parcel B, are located within the floodplain of the adjacent River Bure, and are therefore in an area of Medium to High Flood Risk (Flood Zones 2 and 3). The proposed site layout locates all new residential development in Parcel A, whilst Parcel B would accommodate the surface water attenuation pond and biodiversity and landscaping enhancements. The Environment Agency has been consulted on the application and raises no objection, as all new housing development is sequentially sited within Flood Zone 1, even when taking into account new climate change allowances for the 1 in 100 year and 1 in 1000 year floor event. The proposed development would also have a safe route of access and egress through Flood Zone 1.

Surface Water Drainage

The applicant has undertaken infiltration testing at 11 locations across the site, in accordance with BRE365, which confirms moderate to variable infiltration rates across the site that precludes the use of soakaways. The Flood Risk and Drainage Strategy therefore proposes an attenuated system to incorporate areas of permeable paving, a balancing pond connecting to a surface water drain in the main estate road, eventually serving an integrated wetland / attenuation pond located in Parcel B, with a restricted discharge at the greenfield run-off rate to a local watercourse (The River Bure). Surface water run-off from roof areas would be discharged to the receiving drainage system, designed to accommodate the 1:100 year flood event + 40% allowance for climate change (and include a 10% allowance for urban creep). Private driveways, roads and parking spaces would have permeable surfaces: Type A in the southern half of the site for total infiltration into the sub-soil and Type C in the northern half of the site designed for no infiltration into the sub-soil with impermeable membrane and piped outfalls to the receiving surface water drainage system.

A balancing pond is proposed adjacent to plots 28 and 29 that would accommodate surface water roof run-off from plots 24-29 and act as an attenuating pond before discharging into the receiving drainage system at a rate of 1 litre per second (adoptable surface water sewer located in the main estate road to serve the development). The principal surface water attenuation pond and wetland feature, located in Parcel B, is designed to accommodate for all surface water run-off, up to and including the 1:100 year floor event (1% Annual Exceedance Probability) with a 40% allowance for climate change with a restricted outfall discharging to the local watercourse at 1.7 litres per second. All surface water is to be captured, cleaned and discharged in accordance with the CIRIA SuDS manual, local guidance and other relevant design guidance.

The Lead Local Flood Authority (LLFA) has been consulted on the application, on the basis of the Flood Risk Assessment and Drainage Strategy, and raises no objection to the proposed surface water drainage strategy.

The LLFA has provided further comments following the submission of information from the applicant regarding the wetland feature and SUDs attenuation pond located in Parcel B. The primary purpose of the integrated wetland feature is to clean and improve the quality of surface

water run-off and to store water in extreme rainfall events. The wetland feature would also act as a biodiversity feature with areas of native aquatic plants, providing habitat for a range of species, as well as removing nutrients and a wide range of pollutants, and acting as a carbon sink.

The submitted information in respect of the wetland feature, comprising wetland design schematic, pipe layout cross-sectional plan of the wetland and feasibility assessment and design report, demonstrate that the creation of a wetland area is feasible at this location, and would act as a biomechanical process to remove pollutants and nutrient take-up. The Lead Local Flood Authority has advised that in order to improve the performance of the wetland area, a sediment forebay area (a settling basin or sediment trap positioned at the incoming discharge point) could be incorporated into the final design of the wetland area to act as a further stage of removing coarse sediments from water course run-off.

Therefore, the surface water drainage strategy, incorporating a wetland feature in Parcel B would be considered adequate to ensure that any surface water would be dealt with on site without causing flooding elsewhere. Subject to planning conditions, the application is considered to comply with Policy EN 10 of the Core Strategy, the Site Allocation policy COR01 and policy 2 of the Neighbourhood Plan, and Chapter 14 of the NPPF with regards to surface water flood risk.

Foul Water Drainage

Site Allocations Development Plan Policy COR01 requires the provision of adequate capacity in sewage treatment works to serve the proposed development (at that stage envisaged to be approximately 18 dwellings). The Corpusty and Saxthorpe Neighbourhood Plan further increased the area for residential development, but did not specify the number of dwellings to be delivered on the site.

The submitted Flood Risk Assessment and Drainage Strategy identifies a public foul sewer system in Norwich Road. There is a second foul drainage sewer identified as crossing the north-western part of the site that outfalls into the Norwich Road system. The applicant intends to connect to the existing mains sewerage system via a gravity connection.

The applicant has undertaken a pre-planning assessment with Anglian Water, which is submitted in support of the planning application. This initially confirmed that Corpusty-Beside River Water Recycling Centre would have available capacity for these flows.

Anglian Water has been consulted on this application and state that the Corpusty Water Recycling Centre is flow compliant and does operate within its permit. The proposed development would result in the Water Recycling Centre operating slightly above permit, and Anglian Water would therefore need to seek a renewed permit from the Environment Agency to account for the additional flows from this development to the Water Recycling Centre. Anglian Water is lawfully obliged to accept these additional flows.

On this basis, whilst the comments of third parties and the Parish Council are noted in respect of existing foul drainage capacity issues, a refusal based on inadequate foul water drainage

capacity in respect of this proposed development could not be sustained, especially now that matters of nutrient neutrality can be resolved. The application therefore appears to comply with Policies EN 10 and EN 13 of the North Norfolk Core Strategy, and the Site Allocation COR01 with regards to Foul Water drainage.

11. Sustainable Construction and Energy Efficiency (Core Strategy policy EN 6; Neighbourhood Plan policies E3, E4)

Core Strategy Policy EN 6 considers sustainable construction and energy efficiency and sets out a policy requirement for at least 10% of predicted on site energy usage to be met by on-site renewable technology for all residential developments of 10 dwellings or more.

The Corpusty and Saxthorpe Neighbourhood Plan policies E3 and E4 also state that development of renewable energy sources will be supported where there are no adverse effects, and development for carbon neutral or zero carbon buildings will be supported where they comply with design policies of the Development Plan.

The application has included an energy and sustainability statement. The strategy is to use a 'fabric first approach' which will reduce the required energy needed to heat, light and ventilate homes by approximately 10% over current Building Regulations target (part L), rather than relying on renewable technology to achieve this gain. The statement adds that this lowers the energy requirement in the first place, rather than wastefully producing it, and the homes are therefore well insulated.

Air Source Heat Pumps are proposed to be used for heating with natural ventilation (rather than mechanical ventilation) and Shower Heat Recovery Units installed where possible to recover heat from waste water to supplement the heating system. In addition to Air Source Heat Pumps, the applicant is seeking to incorporate solar photo voltaic panels to some of the dwellings to provide additional renewable energy benefit, details of which would be secured by planning condition to establish the precise number and location of dwellings using solar PV. Each dwelling would therefore use low or zero carbon technologies to secure a proportion of energy demand, (ASHP / solar PV) and energy would be saved through well insulated properties.

The proposed scheme would therefore be able to provide at least 10% of the development's predicted total energy usage and is compliant to Policy EN 6 of the North Norfolk Core Strategy, and policy E3 of the Neighbourhood Plan.

12. Planning Obligations

Core Strategy Policy CT 2 requires developer contributions for schemes of 10 dwellings or more, where there is insufficient capacity in infrastructure, services, community facilities or open space.

NPPF Paragraph 56 sets out that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

NPPF Paragraph 58 also sets out that Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Having regard to the above matters raised within this report, a range of financial and non-financial contributions and infrastructure would be sought with this proposed development in order to make the development acceptable in planning terms:

- On site provision of amenity green space amounting to 855 sq metres;
- Off-site open space financial contribution of £129,656;
- 15% affordable housing provision
- A financial contribution of £2,850 (£75 per dwelling) to be spent on increasing library capacity; and
- A financial contribution of £11,558.46 (£304.17 per dwelling) for GIRAMS mitigation

Viability evidence provided by the applicant was reviewed by the Council's appointed viability consultant in 2022 and this demonstrated and justified a lower level of affordable housing provision (21%, 8 dwellings).

In order to deliver a viable development the applicant has also demonstrated that not all of the requested financial and non-financial contributions can be provided. Whilst there are some contributions that cannot be waived, beyond these there is, in theory, a choice to be made as to which financial and non-financial contributions are requested. Nonetheless, where contributions are required to make a development acceptable in planning terms but these are not provided, then it is a matter for the decision maker to apportion weight to the non-payment of these contributions. The non-payment of contributions would therefore weigh against the grant of planning permission and would need to be considered when making the overall planning balance and weighed against any material considerations in favour.

Based on most recent figures, Officers are expecting contributions to cover the following:

- GIRAMS visitor impact mitigation - **£11,558.46** (£304.17 per dwelling),
- a financial contribution to libraries - **£2,850** (£75 per dwelling),
- 21% affordable housing provision (8 dwellings) based on a tenure split of 6 dwellings affordable rent and 2 shared ownership;
- On site provision of amenity green space and natural green space amounting to 7,589 sq metres;
- provision of one fire hydrant within the development,
- off-site Youth Play Space - **£7,261**; and
- upgrades and improvements to the PROW Corpusty 28.

The applicant was also proposing an additional payment of £500 per dwelling, amounting to **£19,000** which they have indicated would be directed towards enhancements to infrastructure for St Peter's Church, which the Parish Council is in the process of refurbishing. This contribution has been put forward by the applicant having regard to Community Aspiration CA9 of the Corpusty & Saxthorpe Neighbourhood Plan.

Officers have considered the viability evidence and the amount available for financial contributions. Whilst the applicant's preference to direct monies towards Community Aspiration 9 is noted, Officers consider that this sum of money could be used to address the significant shortfall in off-site contributions towards public open space and, in particular, the shortfall towards Parks and Recreation Grounds, as required by Policy CT 2 of the Core Strategy. The Community Aspiration CA9 is an aspiration of the Corpusty and Saxthorpe Neighbourhood Plan and not a Development Plan Policy and therefore carries less weight. Policy CT 2 of the Core Strategy is therefore afforded greater weight, and this weighs in favour of an increased financial contribution towards off-site public open space.

In summary, the Viability Assessment has been independently assessed and it is considered that the viability case made by the applicants is not unreasonable and supports a reduction in the level of affordable housing and s106 contributions as proposed. This position is further reinforced in view of the additional costs associated with nutrient neutrality mitigation.

A post development viability review is recommended so that any excess profit is captured and additional commuted sums paid in respect of a shortfall of current s106 obligations secured towards affordable housing, off-site open space and the Neighbourhood Plan community benefit sum, which could go towards for example enhancements towards St Peter's Church, in accordance with Community Aspiration CA9 of the Neighbourhood Plan.

13. Other Material Planning Considerations

Contaminated Land

Core Strategy Policy EN 13 considers pollution and hazard prevention and minimisation and sets out that development proposals on contaminated land (or where there is reason to suspect contamination) must include an assessment of the extent of contamination and any possible risks.

Although the site is a greenfield site comprising former pasture land, the applicant has undertaken a contaminated land strategy as a Phase 2 Site Investigation Report by Harrison Geotechnical (November 2020). The intrusive site investigation identifies low concentrations of contaminants not requiring remediation to the southern side of site, with shallow made ground to the northern side of site containing anthropogenic materials – materials to be collected, screened and disposed of before commencement of development. The report concludes that the site is suitable for residential use, but site remediation will be required should any contamination not previously identified be present on site.

The submitted report has been reviewed by Environmental Health Officers, who raise no objection, subject to a suitable planning condition to secure necessary remediation strategy. The proposal is considered acceptable in this regard and would accord with the aims of Development Plan policy EN 13.

Refuse and Recycling

Dedicated refuse and recycling storage would be provided on curtilage for each new dwelling, with the internal access road designed to accommodate a standard NCC refuse vehicle.

Details will be secured by planning condition and, as such, the proposal would accord with the aims of Development Plan policy.

External Lighting

External lighting has the potential to have a wide reaching adverse impact across the open agricultural landscape, potentially impacting wildlife. The applicant has provided an a lighting specification to dwellings, which shows Specification sheets show the light to be used is the ADU50 Dugas 50W Graphite which can be installed pointing either up. It is recommended that the light should be installed pointing down in order for the dark night skies, which are a feature of the nocturnal character of this open Landscape Type, and to avoid disrupting wildlife habitats. Also, some form of low level lighting would be required where the new internal access road would bisect Adams Lane restricted byway. It is recommended that further details of a lighting strategy for the proposed development, to include the intersection of the new internal access road with Adams Lane restricted byway, is secured by planning condition.

14. The Planning Balance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 sets out that decisions must be taken in accordance with the Development Plan unless material considerations indicate otherwise.

The proposal is considered to comply with the following policies of the Development Plan, comprising the Site Allocation DPD, the Adopted Core Strategy and Corpusty and Saxthorpe Neighbourhood Plan: SS 1, H0 1, EN 2, EN 4, EN 6, EN 8, EN 10, EN 13, H0 7, CT 5, CT 6 of the Adopted North Norfolk Core Strategy; Priority Areas 1 and 2, Overarching Policies 1, 2, 3, policies E1, E2, E3, HE2, T1, DC1, W&F2, Community Aspiration CA2, CA3, CA4, CA9, CA10, CA11, CA12, of the Corpusty and Saxthorpe Neighbourhood Plan,

The proposal represents a departure from the Development Plan policies : SS 2, H0 2, EN 9, CT 2 of the Adopted North Norfolk Core Strategy, the Site Allocation policy COR 01, and policies Overarching Policy 1, Community Aspiration CA1 of the Corpusty and Saxthorpe Neighbourhood Plan on the following grounds:

- Parcel B is located in an area of designated countryside and does not form part of the Site Allocation COR 01 or a Priority Area for new residential development as identified in the Corpusty and Saxthorpe Neighbourhood Plan;
- Off-site contributions for open space cannot be met in full through this proposal and has been demonstrated through a robust Viability Assessment.

The application has been subject to a viability assessment in order to demonstrate that the delivery of a mixed tenure development of 8 affordable dwellings (6 affordable rent and 2 shared ownership) and 30 market dwellings would deliver a commercially viable scheme, whilst complying with other policies of the Development Plan.

The proposal would address an identified need for affordable housing in Corpusty and Saxthorpe, and provide necessary infrastructure to serve the development. It is the intention of the applicant to increase the delivery of affordable housing with grant funding from Homes England, should permission be granted.

Whilst the Council is able to demonstrate a five-year housing land supply, the provision of 38 dwellings would nonetheless contribute positively to the ongoing supply and the Government's aim in NPPF (Dec 2024) paragraph 61 of boosting significantly the supply of housing through ensuring that a sufficient amount and variety of land can come forward where it is needed, and is therefore a benefit, carrying moderate weight.

In addition, other material considerations in favour of this case are:

- The high environmental standards proposed with air source heat pumps, Photovoltaic panels and a 'fabric first approach' to the construction;
- Carbon sequestration in the wetland attenuation pond;
- High quality design;
- Job creation during construction;
- Upgrading to an Adopted Public Right of Way (Corpusty 28) and Adams Lane Restricted Byway (Restricted Byway 4);
- Support to the local rural economy, services and facilities within the area due to the future occupation of dwellings.

Officers recognise the policy conflicts identified within this report but note also that the delivery of affordable housing is in the wider public interest and is a corporate priority attracting substantial weight in favour. Officers consider that the material planning considerations in favour of the proposed development collectively attract significant weight which is considered sufficient weight to justify a departure from the Development Plan.

RECOMMENDATION:

Delegate authority to the Assistant Director of Planning to **APPROVE** subject to:

- 1) Satisfactory resolution of nutrient neutrality matters including consultation with Natural England on updated Habitats Regulations Assessment;**
- 2) Satisfactory completion of a S.106 Planning Obligation to cover the following:**
 - Nutrient Neutrality Mitigation (Phased delivery and sufficient septic tank upgrades)
 - On site provision of amenity green space and natural green space, amounting to 7,589 sq metres;
 - Off-site open space financial contribution of £7,261 towards Youth Play Space;
 - 21% affordable housing provision (8 dwellings) based on a tenure split of 6 dwellings affordable rent and 2 shared ownership;
 - A financial contribution of £2,850 (£75 per dwelling) to be spent on increasing library capacity; and

- A financial contribution of £11,558.46 (£304.17 per dwelling) for GIRAMS visitor impact mitigation;
- Additional Off-site open space financial contribution of £19,000 towards Parks and Recreation Grounds.

3) The imposition of the appropriate conditions to include:

1. Time Limit – three years beginning with the date on which this permission is granted
2. The development shall be undertaken in strict accordance with the plans
3. Materials to be approved
4. Highways - Visibility splays
5. Highway Works – detailed scheme
6. Highways - Road and footways have first been constructed in accordance with the details provided
7. Highways – construction traffic parking
8. Construction Hours
9. Highways - Off-site highway works
10. Highways - On-site car parking and turning areas to be provided.
11. PROW and Restricted Byway – detailed scheme
12. Restricted Byway Safeguarding Scheme
13. Contaminated land remediation strategy
14. Archaeology written scheme of investigation
15. Surface water drainage
16. AIA, Method Statement and Tree Protection Plan
17. Landscape Tree Protection (Fencing)
18. LEMP
19. Biodiversity Design Strategy – Restricted Byway
20. CEMP
21. Small Mammal Access
22. Ecological Mitigation Measures
23. Fire Hydrant
24. Details of solar panels to be submitted for approval
25. Air Source Heat Pumps in accordance with submitted specification leaflet.
26. Dwellings constructed in accordance with policy EN 6 to ensure Energy Efficiency.
27. External lighting to include measures to minimise the impact on the landscape.
28. Removal of PD rights
29. Bathroom windows to be obscure glazed
30. Refuse and recycling storage

And any other conditions considered to be necessary by the Assistant Director of Planning

Part 2:

That the application be refused if a suitable section 106 agreement is not completed within 4 months of the date of resolution to approve, and in the opinion of the Head of

Planning, there is no realistic prospect of a suitable section 106 agreement being completed within a reasonable timescale.

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Appendix A - Statutory and Internal Consultees

Local Highways Authority (Norfolk County Council)

Original comments 27.10.2021

1. No detailed plan of the site access is provided demonstrating the applicant can provide a junction with 6.0m radii and 2.4 x 59m visibility splays, likely to require significantly more removal of the frontage trees and hedges that indicated;
2. Is public access to land on the north side of Norwich Road to be provided, as this would require provision of a footway/crossing point from the proposed development?
3. The drainage strategy will result in an increased need for access by maintenance vehicles to the land to the north. The applicant should therefore demonstrate the required visibility splays can be provided and that sufficient turning space is available so vehicles can exit/enter Norwich Road in a forward gear;
4. There is no assessment in the transport statement of the walking routes to village services, which would use Adams Lane, Norwich Road and Station Road. The applicant would appear to be reliant on the use of Adams Lane, despite the most direct route to the village shop (unmarked bus stops) and primary school being via Norwich Road. However, no details have been provided showing how Adams Lane or the public footpath will be improved. Additionally, no details have been provided for any improvements due to the lack of footway provision on Norwich Road / Station Road.
5. The applicant will need to determine the defined route and width of the existing Restricted by-way and public footpath and provide details of appropriate improvements, which in the case of the restricted byway will also need to extend beyond the red application boundary.
6. The proposed layout results in numerous properties with their rear gardens facing Adams Lane and it therefore being enclosed by boundary fences, to the detriment of the personal safety of users of this route and the security of adjacent properties.
7. The proposed access would be subject to a 20mph zone, which should be indicated on the layout plan.
8. The proposed layout will need to be tracked by a large refuse vehicle.
9. On street parking adjacent to plots 2 and 3 caused by the reliance on rear parking in close proximity to the junction with Norwich Road would be detrimental to highway safety.
10. The junction adjacent to plot 35 should be provided with 6.0m radii and visibility splays in both directions measuring 2.4 x 25 metres. The adjacent footway will need to be widened to the full extent of the required visibility splays.
11. Access to the public open space / and or public footpath should not result in the public use of a private drive/footpath.
12. The access road should not be narrowed where it is crossed by the restricted byway.
13. With the exception of the two parking spaces serving the 1 bedroom dwellings (plots 30-32) there is no provision for visitor parking in the form of roadside laybys resulting in on-street parking.
14. The occupants of plots 14,23 and 27 will have no natural surveillance of their allocated parking spaces, resulting in an increased risk of these spaces not being fully utilised leading to further on-street parking.

Further comments 21.02.2022

Required visibility splays have been added to the drawing and do not appear to impact on the front trees and hedges.

An assessment of walking routes has still not been provided. It is not sufficient to rely on the use of Adams Lane or Norwich Road without significant improvements to these routes. Norwich Road provides the most direct route to the village and is likely to be used by a significant number of residents. Whilst a continuous facility cannot be provided, there is an opportunity to provide a footway across the site frontage from the existing footway to the southeast to the northern boundary of Chapel End. Improvements to Adams Lane should not be restricted to the site boundary as indicated.

Remain of the view that designing a layout that results in continuous rear boundary fences adjacent to Adams Lane will result in a perceived increase in personal safety and should be avoided. For it to become an attractive route as an alternative to Norwich Road, the development should open onto it, not enclose it.

Parking requirements have been met in terms of spaces per dwelling. If provided in remote locations from dwelling with poor surveillance, they are unlikely to be used. In addition to plots 2 and 3, this also remains an issue adjacent to plots 14, 23 and 37, and to a lesser extent to plots 24 and 5.

Addition of two visitor spaces is welcome, particularly the lay-by adjacent to plot 29. However, who will own/have access to the visitor space adjacent to plot 21. Neither space will mitigate likelihood of on-street parking.

The access road must not narrow across the restricted by-way. This is a layout issue for the adopted road.

Lead Local Flood Authority (Norfolk County Council)

Original comments 03.09.2021

A Flood Risk Assessment and Drainage Strategy is submitted in support of this application to account for local flood risk issues and surface water drainage. Welcome SUDs in the proposed development. Private and shared access roads and parking bays in the south of the site are proposed to be drained via shallow free draining (infiltrating) permeable paving system. Remainder of the site, including the man estate carriageway, together with roofed areas to plots 24-29, will be conveyed to a wetland area prior to being discharged, at a reduced rate of 1.7 l/sec (Qbar) to the River Bure, located adjacent to the site.

If not, we would request the following information prior to determination. The following condition is suggested:

Prior to commencement of development, in accordance with the submitted Flood Risk Assessment / Drainage Strategy (Rossi Long Consulting, Document Ref. 191238, Revision 00, dated 5th February 2021) detailed design measures shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development hereby permitted [and maintained as such thereafter]. The scheme shall address the following matters:

- i. Finished ground floor levels of all properties are a minimum of 300mm above expected flood levels of all sources of flooding (including any rivers or ordinary watercourses, SuDs features and within any proposed drainage scheme) and at least 150mm above ground level;
- ii. Details of how all surface water management features including the proposed wetland area are to be designed in accordance with the SUDs Manual (CIRIA C753, 2015) including appropriate treatment stages for water quality prior to discharge.

Further comments 09.02.2022

The LLFA welcomes the additional information. The additional information supplied by the applicant consists of a wetland design schematic, a general pipe layout cross section of the proposed wetland area and wetland feasibility assessment and design report (Corpusty Wetland Feasibility Assessment and Design Report, Norfolk Rivers Ecology, V3, dated 10 January 2022).

The documents listed above illustrate the creation of a wetland area is feasible at this location. The LLFA does not disagree with the findings. The generalised pipe layout cross section Plan provides a general demonstration of the workings of the feature from a water design Perspective. To enhance the performance of this feature, from a water quality perspective the applicant could introduce a sediment forebay area, which would act as a pre-treatment stage removing coarse sediments from the surface water run-off. As the wetland receives surface water run-off from the estate carriageway, this may warrant consideration by the applicant.

Notwithstanding the above, we have no objections, subject to conditions being attached to any consent if this application is approved and the applicant is in agreement with pre-commencement conditions. If not, we would request the following information prior to determination.

NNDC Conservation and Design

Original comments 27.10.2021

Heritage Assets

It cannot be argued that the proposed development would enhance the setting of the adjacent Grade II Listed Manor House. Indeed, by virtue of extending the built form out towards the listed building, C&D are of the opinion that it would result in some harm being caused to this important heritage asset. This is because historically the listed building has derived part of its significance from its outlying position away from the main body of the village. Clearly, however, the development would see it affectively being merging it into the built envelope.

Under para 199 of the NPPF, it is clear that great weight must be given to the conservation of the heritage asset. It is also understood that where a loss of significance is identified, it requires a clear and convincing justification under para 200 of the same document. In this case, however, there a number of material factors that lead us to the conclusion that an objection cannot be sustained on heritage grounds; namely: -

- Over time, the setting of the listed building has already been compromised to some extent. This is thanks to a combination of;
 - i) the late 20th century highway improvements which now see the house standing on an engineered crossroads and alongside a relatively wide bypass,
 - ii) the recent barn conversions to the North West, whilst although done reasonably well, have nonetheless introduced domestication and residential character where it previously did not exist, and
 - iii) the immediate setting of the house has already been compromised on its South Western side by the functional close-boarded fencing which frames the adjacent footpath.
- The curtilage of the listed building has a discrete, self-contained quality and is framed by existing mature planting on its South Western boundary. Whilst this will inevitably

vary through the seasons, it nonetheless would create meaningful separation distance between the existing and proposed buildings.

- A combination of the changing levels and the respective siting and orientation would prevent any direct competition between the existing and proposed buildings. The new build would also not impinge upon or block any important views of the heritage asset.

For these reasons, the level of harm is considered to be towards the lower end of the 'less than substantial' spectrum for the purposes of the NPPF. As such, it is recognised that the public benefits accruing from the proposals would outweigh the modest harm identified.

Layout and Design

Layout-wise, it is considered that: -

- the sinuous access road should create an evolving and layered street scene within the development.
- the lack of regimentation in the siting of the buildings should produce a relatively informal scheme which would be broadly compatible with the edge-of-village, rural location.
- the development appears to have been slotted in around the established planting on site – this will help to bed it into the wider landscape whilst also creating several enclaves within the scheme. No doubt my Landscape colleagues will comment separately on some of the close relationships between the buildings and the trees which frames much of the site.
- there is variety in parking provision which should prevent the scheme being unduly dominated by residents' vehicles (although it is perhaps less clear where visitors might end up parking).

Elevationally, the individual dwelling types for the most part follow the developer's emergent house style which has been accepted elsewhere within the District. As such, there is little that requires a detailed critique hereunder with the houses generally considered to be appropriately proportioned and detailed.

The one notable exception is unfortunately at the entrance to the site where it is considered that the two terraces facing each other would not offer the best introduction to the site. Not only would both feature inline rectangular forms with only the porches to provide any kind of relief and modelling, but the simple handed fenestration, the plain roofscapes and the largely blank gables appear to offer little by way of genuine visual interest and innovation. If we also then factor in the proliferation of PV panels (particularly on the front elevation of Plots 36-38), and there is precious little to get enthused about here. Whilst this may well not be the difference between an approval and a refusal, any attempts to enliven these plots would most definitely be welcomed by C&D; e.g. introducing a roadside cross wing for contrast, adding a pair of chimneys on at least one of the terraces, having an active roadside frontage on one of the blocks, sitting one of the blocks on a contrasting/expressed plinth, and enlivening the rear elevations which border on the bland.

Materials

It is important that the materials palette is appropriate for the context. To this end, there are some concerns about the bricks and tiles proposed as follows: -

- In respect of Facing Brick A, the TBS Audley Antique has a rather washed out, anaemic colour mix which is not particularly characteristic of North Norfolk. It is therefore considered that a warmer orangery-red multi stock brick be chosen instead and the Audley reserved only as an accent material on the least visible plots. As an aside, the image supplied within the Materials Specification appears to be at variance with the

online images of this brick type. This may just be in the reproduction of the document but it perhaps does not give an accurate impression.

- As regards Facing Brick B, it is not entirely clear what is being proposed here. To the best of my understanding TBS does not produce a Ivanhoe Old Cottage brick. Neither does Ibstock who are associated with the Ivanhoe name. What they do produce, however, is a Ivanhoe Cottage Blend which can probably be considered acceptable on balance on the small number of the plots proposed. Again, however, it does not appear to tally with the image in the submitted document.
- C&D must reserve judgement on the proposed white brick in the absence of an actual name being chosen.
- Whilst having no objections in principle to the Sandtoft Neo pantile being used, the usual strong preference is expressed for the Natural Red colour to be replaced with the Tuscan or Flanders from the same range – this is to avoid the ‘raw’ and more one-dimensional appearance of the Natural Red.

Unless these matters are to be resolved prior to determination, an appropriate condition covering the prior agreement of the bricks and tiles is requested in the event of an approval being issued. All other materials shown are considered acceptable.

Further comments 18.02.2022

Whilst still having reservations about the plots at the entrance to the development, it is acknowledged that design amendments have been made to improve their modelling and overall appearance. There are no further substantive Conservation and Design objections to this scheme. This is notwithstanding the usual visual misgivings about the unsightly ‘retrofitted’ PV panels on prominent roofslopes.

In terms of materials, the Weinerberger Olde Heritage Antique brick is considered acceptable on balance. By contrast, the Ivanhoe Westminster most definitely is not – it is a patchy chequerboard of a brick with a colour mix which has no real place in our District. An alternative will therefore have to be found. As regards having a white brick, I cannot immediately find any reference to this on elevations. However, if this is still proposed, it may in practice be better just to pain/colour wash one of the two eventually approved bricks.

There is no objection to the use of Sandtoft Noepantiles. There would be a clear preference for the bright and relatively one-dimensional natural red to be replaced with either the Tuscan or Flanders. Elsewhere, the flintwork comprising proper flint cobbles and not pre-formed flint blocks, the rest of the materials raises no concerns.

NNDC Landscape Officer

Landscape Scheme and Schedule

- Majority of vegetation and proposed planting is retained within public areas of the site and ownership/management responsibilities would be retained by Broadland Housing Associated / Management Company. Details are to be secured by condition and s106 Legal Agreement;
- Retention of Adams Lane byway as an informal path is welcome and retained as a wildlife and local landscape corridor. External lighting should be avoided (including security lighting on housing) and controlled by way of condition. Comments of the PROW Team are noted that may require re-surfacing of the PROW. Any new surfacing should be informal and maintain the rural character;

- Hedges bordering Adams Lane (G39, G40, G48 and G49) and some other boundaries 9G48) are reduced in height and spread/depth to accommodate housing. A condition can be attached to ensure that works are completed to BS3998;
- Trees will need to be removed or pollarded along the western former railway embankment and new planting is proposed to reinforce the tree belt – species proposed are in the form of small trees/understorey planting *(hazel, field maple) although 3 Hornbeam are proposed. It is considered that additional of Oak and Evergreen species would be beneficial for screening and biodiversity enhancements.

AIA/Trees

- The development has sought to retain most of the valued trees /hedges on site and impact on retained trees is negligible. 10 trees are to be removed and 6 groups of hedging or scrub to be partly removed or removed entirely out of 89 individual trees and groups. Additional work may be required to the retained vegetation to reduce in size (9 groups of trees);
- Some plots affected by shade of retained trees are mainly along the railway line; however, the AIA concludes this is minor to negligible;
- An Arboriculture Method Statement and Tree Protection Plan have been provided which will need to be conditioned.

Open Space

- Unclear how the open space will function and what each area will provide;
- Documents suggest that the former railway embankment and western boundary is for informal access, but there is no circular walking route and green space behind rear gardens is uninviting;
- Other than Orchard Area to the north, there is a lack of useable open space. Function of the western boundary as natural green space and biodiversity corridor is welcome, but additional green space should be provided elsewhere or a contribution sought to provide this offsite;
- Welcome the retention of the area to the north as amenity green space, but this needs to be better defined. Will informal paths be mown within the area or interpretation boards provided? Space could be abandoned or underutilised.

Recreational Avoidance Mitigation Strategy

- NE advise of no objection or significant impact on statutory designated sites. The EN Team has probably not had sight of the GIRAMS (2021) that has been prepared by the combined Local Authorities in Norfolk in preparation for emerging Local Plan which has determined standardised zones of influence (ZOIs) for European sites in Norfolk and indicated where project level HRAs are required for planning purposes;
- The development site is within the Zones of Influence of the Norfolk Valley Fens (15km), the Broads site (25km) the North Coast sites (42km) and the Wash sites (61km).
- The GIRAMS developer contribution towards implementation of strategic mitigation is secured as part of the S106 Agreement - £185.93 per dwelling, index linked.

Issues to address:

- No detail on function of north-eastern parcel of land – how this will be planted or managed;
- Disappointing that trees T32 and T33 are being removed because of proximity to plots 36 and 38 – these are natural barrier to the site and do not need to be removed because of visibility splays/highway reasons. Removal of these trees will open up site (site is intended to be enclosed and intimate);
- Replacement planting of 3no. specimen trees is proposed but question whether sufficient space to flourish and grow to mature specimens to replace those removed;
- Confirmation required that only 2 trees (T34, T35) and part of hedging (G31) to the front of the site are to be removed for visibility splays to Norwich Road following comments from Highways Authority;
- Landscape Section would like space behind gardens 17, 18 and 19 (within red line) to be incorporated into the landscape management proposals with a clear function vision of its function.

NNDC Ecology Officer

Ecology Assessment and Reptile Survey

- An accurate assessment of the impacts on ecology has yet to be provided, owing to limitations to accessing the northernmost site areas and existing building on the site;
- No details provided on SUDs and drainage scheme, and the required highway access improvements. Potential ecological impacts from drainage strategy have not been properly assessed.
- Unclear what the significance of the impact on priority habitats is without a detailed site survey (hedgerows and mature trees).
- External lighting will need to be limited along Adams Lane owing to the foraging habitat of bats. Additional detailing is required to determine bats roosts on the village periphery.
- Bisection of Adams Lane will serve the wildlife corridor and impact bats. Character of Adams Lane should be retained and loss of vegetation restricted along Adams Lane.
- Potential that trees with bat roost potential could be removed. Report is unclear as to the significance of the impact of the development on bats and/or required mitigation and compensation measures, and the licensing requirement is unclear. An internal inspection of the building on the north of the site is recommended to confirm findings;
- Report is unclear as to the required mitigation and/or compensation features for GCN, and states a license is not required but provides no justification.
- Reptile survey – no specific mitigation for reptiles has been recommended;
- Grassland adjacent to River Bure held potential foraging habitat for grass snake, but has not been subject to a full reptile survey.
- Ecology report does not quantify the amount of scrub clearance on site or quantified the impact to breeding birds as a result of the loss of habitat or enhancement measures.
- Ecology Report states that drainage discharge from the development (foul and surface water) should protect the nearby (and hydrologically connected) River Bure. No detail as to how this will be achieved.
- Key wildlife features on site are: The old railway line; The green lane (Adams Lane) with its twin hedgerows and unsealed track; and existing hedge boundary patterns and mature trees. These features are to be retained within open spaces or highways boundaries, and are within the wider ownership/control of Broadland

- Housing Association or Management Company. Function of these spaces is unclear.
- A Construction and Environmental Management Plan (incorporating ecological constraints) is a key part of the mitigation component of the Ecology Report, to be clear under the advice of an Ecologist. This should be conditioned;

Preliminary Ecological Appraisal (Parcel B)

- States that Parcel B contains significant ecological features and constraints, notably: hedgerows, the River Bure, Water voles, Otters, Brook Lamprey(River Bure) and Bats.
- Additional surveys are necessary and include a survey of the River Bure, and marginal vegetation, fisheries, reptiles, water voles and otters.

Other Comments

- Use of uplighters for the Ansell specification is not acceptable and would result in light pollution and adversely affect the nocturnal character of the site.
- Further clarification is required as to how or if Adams Lane will be improved/widened.

Further comments 10.03.2021 Advice

Questions remain over certain elements of the development and the resultant impact/effect on biodiversity.

Should the application be approved, the Landscape Section reiterates the importance of ensuring the specific details as to the eventual ownership and management responsibilities, together with maintenance schedule of open space areas, old railway line and Adams Lane will need to be secured by planning condition and as part of the Legal obligation 9S106 Agreement).

Environment Agency

Original comments 05.11.2021

Flood Risk

The applicant has sequentially sited all proposed development within Flood Zone 1. Our maps show the site boundary lies within Fluvial Flood Zone 3a defined by the PPG: Flood Risk and Coastal Change as having a high probability of flooding. The proposal is for the construction of 38 dwellings with associated infrastructure and landscaping, which is classified as more vulnerable development of the PPG. We are satisfied that the flood risk assessment, referenced 191238 and dated February 2021, provides you with the information necessary to make an informed decision.

In particular:

Drawing CRPSTY-IW-SA-XX-DR-A-1505 shows all proposed development lies within Flood Zone 1

The access and egress routes travels through Flood Zone 3 and therefore does not have a safe route of access

Flood depths on the and within the building remain unknown because the flood zones are derived from JFLOW modelling

Flood Storage compensation is not required

Flood Evacuation Plan has not yet been proposed

As the applicant has sequentially sited their proposed development to be sequentially sited within Flood Zone 1, we feel it is unnecessary to request the applicant to re-model the River Bure designated main river in order to incorporate the climate change allowances. This is because the majority of the new climate change allowances have not exceeded the current extent of the existing flood zone 2.

JFlow

The Flood Zone maps in this area are formed of national generalised modelling, which was used in 2004 to create fluvial floodplain maps on a national scale. This modelling was improved recently using a more detailed terrain model for the area. This modelling is not a detailed local assessment, it is used to give an indication of areas at risk from flooding.

JFlow outputs are not suitable for detailed decision making. Normally, in these circumstances, an FRA will need to undertake a modelling exercise in order to derive flood levels and extents, both with and without allowances for climate change, for the watercourse, in order to inform the design for the site.

However, as the applicant has sequentially sited their proposed development to be wholly within Flood Zone 1, we feel it unnecessary to request the applicant to model the River Bure designated river with regards to the safety of the proposed development because the proposed development should remain dry and provide refuse throughout the 0.1% (1 in 1000) annual probability event.

If you feel you do not have sufficient information with regards to flood levels on the access/egress routes, we advise that modelling be undertaken to accurately establish the risk to the access/egress routes in terms of potential depths and locations of flooding. The watercourse should be modelled for the 1 in 20 (5%), 1 in 100 (1%) and 1 in 1000 (0.1%) year events both with and without the addition of climate change.

Further comments 02.02.2022

We have been made aware of errors in our previous letter.

Incorrectly stated that flood depths on the site and within the building remain unknown because the Flood Zones are derived from JFlow modelling.

We previously stated that the access and egress route travels through Flood Zones 3 and therefore does not have a safe route of access. We can confirm that the access and egress routes travel through Flood Zone 1 and therefore does have a safe route of access.

When comparing the flood extent of the current 1 in 1000 (0.1%) AEP + 20% climate change allowance, the location of the proposed development, it is clear that the development still lies outside this extent and within Flood Zone 1.

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Figure 14 Corpusty and Saxthorpe Neighbourhood Plan (Adopted 1st April 2019)

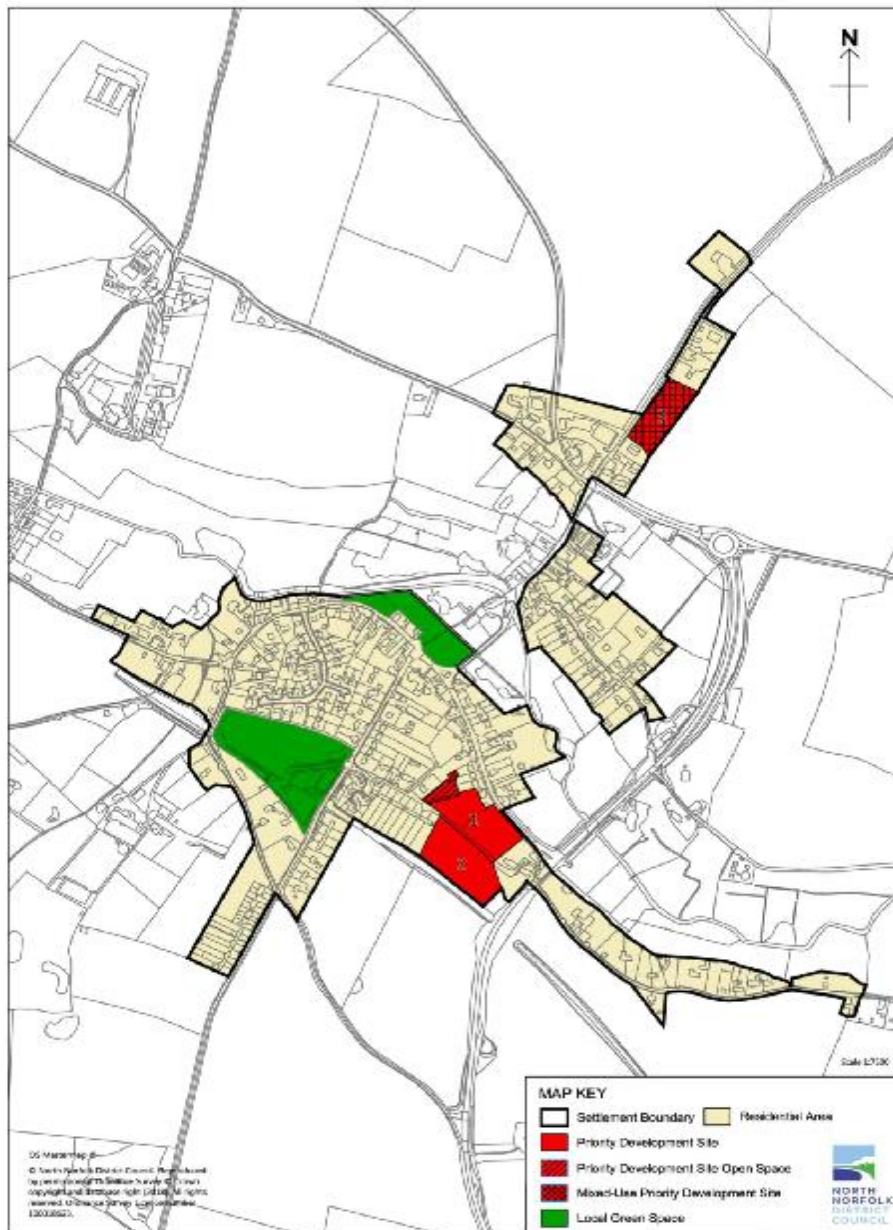


Figure 14 - Corpusty & Saxthorpe: Settlement Boundary

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Figure 16 Corpusty and Saxthorpe – The River Bure and Valley



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WORSTEAD – PF/24/2474 - Demolition of part existing building and erection of new cold store together with associated plant room at Albert Bartlett Westwick, Station Road, Worstead, North Walsham

Major Development

Target Date: 25th February 2025

Extension of time: 28th July 2025

Case Officer: Alice Walker

Full Planning Permission

RELEVANT SITE CONSTRAINTS

Countryside

Landscape Character Assessment: Low Plains Farmland

Contaminated Land

HSE Major Hazards

The site lies within an area designated as a Major Hazard Site/pipeline by the Health and Safety Executive.

Landfill Gas Site

Areas Susceptible to Groundwater Flooding

EA Risk Surface Water Flooding 1 in 30 - Risk of Flooding (3.3% annual chance): 1 in 30

RELEVANT PLANNING HISTORY

Reference PF/22/0463

Description Installation of LPG mounded tank

Outcome Approved

Reference PF/20/0453

Description LPG storage tank (capacity 25 tonnes) and container to house vaporiser

Outcome Approved

Reference PF/12/0121

Description Erection of extension to potato unloading bay and extension to acoustic screen

Outcome Approved

Reference PF/09/0711

Description Installation of odourous air treatment system

Outcome Approved

Reference PF/08/0801

Description Erection of acoustic screen

Outcome Approved

THE APPLICATION

Site Description:

The Westwick site has been used for food production for a number of decades, the site is currently used by Albert Bartlett for the processing and storage of potato products and has been since 2015. The application site (edged red) sits within the existing factory site and has

a total area of 0.34 Hectares, including access from Station Road. Development is constrained by the existing factory and the railway line.

Proposal:

Demolition of part existing building and erection of new cold store. The proposed development would provide the applicant with a new, high efficiency cold store which would hold up to 4000 pallets of frozen products at -20 degrees C, together with an associated plant room. The new store would completely replace the current on-site cold store and expand the on-site frozen storage capacity.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to committee at the request of the Assistant Director due to the application being 'a large building (primarily via its height) and having considered both the comments received on the application and the submission made by the applicant (e.g. within the 'Design and Access Statement') it is considered that the proposal raises important matters that should be discussed and determined within a Committee setting (i.e. rather than the decision being made via 'officer delegation')'.

CONSULTATIONS:

Worstead Parish Council - Objection due to concerns relating to lack of local public consultation prior to planning application. the height and scale of the proposed building and its visual impact. Concerns relating to information provided within submitted documents.

Sloley Parish Council - Objection due to visual impact and highways implications on residents and lack of economic benefits.

County Council Highways - holding objection due to concerns of potential intensification of use.

Economic And Tourism Development Manager- Support application due to significant local economic benefits.

Landscape - Object due to significant landscape impact and conflicts with EN 2 and EN 3.

Historic England - No comments

Network Rail - No response received at time of writing.

MOD Defence Infrastructure Organisation - No objection as the proposed development falls outside of MOD safeguarded areas and does not affect other defence interests.

Health & Safety Executive - No comments to make as the proposed cold store and associated plant room will have no significant effect on the numbers of people present in the consultation zone once the construction work has been carried out.

Environmental Health - No objection as existing site noise would be reduced as a result of the development.

Ward Councillor Penfold - No response received.

Ward Councillor Dixon - Objects due to lack of public consultation for a controversial application with significant local impacts. Agrees with Worstead Parish Council.

REPRESENTATIONS

38 letters of public representation were received in **objection** for the reasons summarised below:

- Height and scale of the proposed building are excessive
- Overshadowing and residential amenity impacts
- Detrimental visual and landscape impact
- Not in keeping with the local area
- Detrimental impact on highways
- Detrimental impact on wildlife and ecology
- Increased noise levels
- Heritage concerns
- Lack of public engagement
- Lack of information submitted
- Light pollution
- Inadequate justification provided

HUMAN RIGHTS IMPLICATIONS

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the above matters, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER

The application raises no significant crime and disorder issues.

EQUALITY AND DIVERSITY ISSUES

The application raises no significant equality and diversity issues.

LOCAL FINANCE CONSIDERATIONS

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are not considered to be material to this case.

RELVANT PLANNING POLICIES

North Norfolk Local Development Framework Core Strategy (September 2008):

Policy SS 1 Spatial Strategy for North Norfolk

Policy SS 2 Development in the Countryside

Policy SS 4 Environment

Policy SS 5 Economy

Policy SS 6 Access and Infrastructure

Policy EN 2 Protection and Enhancement of Landscape and Settlement Character

Policy EN 4 Design

Policy EN 6 Sustainable Construction and Energy Efficiency

Policy EN 8 Protecting and Enhancing the Historic Environment
Policy EN 9 Biodiversity & Geology
Policy EN 10 Development and Flood Risk
Policy EN 13 Pollution and Hazard Prevention and Minimisation
Policy EC 3 Extensions to Existing Businesses in the Countryside
Policy CT 5 The Transport Impact of New Development
Policy CT 6 Parking Provision

Material Considerations:

Supplementary Planning Documents and Guidance:

Design Guide Supplementary Planning Document (December 2008)
North Norfolk Landscape Character Assessment (January 2021)
North Norfolk Landscape Sensitivity Assessment (January 2021)

National Planning Policy Framework (December 2024):

Chapter 2 Achieving sustainable development
Chapter 4 Decision-making
Chapter 6 Building a strong, competitive economy
Chapter 8 Promoting healthy and safe communities
Chapter 9 Promoting sustainable transport
Chapter 11 Making effective use of land
Chapter 12 Achieving well-designed places
Chapter 14 Meeting the challenge of climate change, flooding and coastal change
Chapter 15 Conserving and enhancing the natural environment
Chapter 16 Conserving and enhancing the historic environment

North Norfolk Emerging Local Plan

The Council's Emerging Local Plan was subject to a further round of examination in April 2025 and, following receipt of the Inspector's letter dated 08 May 2025, subject to completion of required Main Modifications, six-week public consultation and completion of any additional modifications, the plan is expected to be found sound and adopted in Autumn 2025. At this stage, whilst the Emerging Local Plan is capable of attracting some weight for decision making purposes, this would be considered "limited" at this stage and, in any event, there are no specific proposed new policies that would lead to a materially different planning outcome than the policies within the existing Core Strategy documents.

Main Issues for consideration:

- 1. Principle of development**
- 2. Design, landscape and character of the area**
- 3. Biodiversity & Geology**
- 4. Historic environment**
- 5. Residential amenities**
- 6. Economic benefits**
- 7. Highways and parking**
- 8. Sustainable construction and energy efficiency**
- 9. Flooding and drainage**

1. Principle of development

Core Strategy Policy SS 1 sets out the spatial strategy for North Norfolk seeking to locate the majority of new development within the towns and larger villages, dependent on their local

needs, their role as employment, retail and service centres and particular environmental and infrastructure constraints.

The application site is located within the area identified as Countryside, Policy SS 2 of the Core Strategy states that in areas designated as Countryside development will be limited to that which requires a rural location and otherwise meets the listed criterion of development permissible under the policy. Extensions to existing rural businesses is permissible under this policy.

Core Strategy Policy SS 5 relates to the economy and supports the rural economy and extensions to rural business of an appropriate scale. Policy EC 3 also supports extensions to existing businesses in the countryside provided that it is of a scale appropriate to the existing development and would not have a detrimental effect on the character of the area. Given that there would be a significant landscape impact resulting from the proposed development, a conflict with this part of EC3 has been identified. This departure is considered in the planning balance section.

In terms of the National Planning Policy Framework (NPPF), paragraph 85 states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development.

Paragraph 88, which provides support for a prosperous rural economy, states the planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

2. Design, landscape and character of the area

Policy EN 2 states that proposals should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment and features identified in relevant settlement character studies. Development proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance, the special qualities and local distinctiveness of the area, gaps between settlements, distinctive settlement character, landscape features, visually sensitive areas, nocturnal character, the setting of, and views from, Conservation Areas.

Policy EN 4 states that all development will be of a high-quality design and reinforce local distinctiveness. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable. Proposals will be expected to have regard to the North Norfolk Design Guide.

The proposal seeks the demolition of a small part of the existing building and removal of an area of plant and stored materials in the southeast corner, along with the erection of a cold store and plant room with an internal floor area of 1,400sqm and an external floor area of 1,526sqm. The cold store has a maximum height of 34.6m above ground level, which is 6.2m higher than the existing flue located immediately to the north-east. The scale of the proposed building has been determined by the site area available within the existing industrial site and the most efficient layout of racking to accommodate the required 4,000 pallets of finished goods.

The proposed cold store would be a steel-framed structure clad externally with steel-faced composite panels which form an insulated envelope in conjunction with the roof. The proposed colour scheme would be a mid-grey at low level and light grey to the upper portion to break up the main elevations. These colours have been proposed to reduce solar gain as well as

being similar to those used on existing buildings within the site. The plant room walls would be formed in unpainted, fair-faced concrete blockwork to provide a high level of sound insulation. The shallow pitch roof covering would be finished with a light grey membrane similar to that of the proposed cold store.

Landscape Effects

A Landscape and Visual Appraisal (FPCR, February 2025) was submitted in support of the application. Consideration of the baseline landscape resource is made through reference to the defined Landscape Types as classified in the National Character Area 79, North-east Norfolk and Flegg and the North Norfolk Landscape Character Assessment (2021 SPD) (Low Plains Farmland).

The Low Plains Farmland Landscape Type is characterised by an open, rural, arable landscape with large fields and low hedges and a network of quiet rural lanes. North Walsham is the main settlement with other built form comprising small rural villages and dispersed farmsteads. Defined valued features include a strong rural character with a sense of remoteness and tranquillity with dark night skies and quiet rural lanes, historic parks and designed landscapes, woodland cover and remnant semi-natural habitats, historic market towns and villages and long views with church towers as landmark features.

In assessment of the landscape effects, the Appraisal relies on the presence of the two existing chimney stacks to diminish the magnitude of change that would result from the construction of the proposed development. The relatively enclosed location of the site is also used to claim limited long-range views from the surrounding landscape as is the degree of visual separation between the development and St Mary's church tower in Worstead. A Moderate Adverse long-term effect on the localised landscape is concluded, with Minor Adverse effects on the overall Low Plains Farmland Landscape Type.

Officers consider that impacts have been under-assessed due to the extremely large scale of the proposed development. The two flues already rise well above the surrounding tree canopies. The building is 6.2m taller than the existing flues and considerably larger in mass. Although viewed with the stacks, the building will introduce a large prominent and incongruous feature into a predominantly undeveloped rural landscape. Although located within the existing industrial complex, many of the existing buildings are of a much lower height and are not at all discernible from a distance. The proposed building will therefore be viewed predominantly only with the two flues for context.

As set out above, Policy EN 2 requires that the location, scale, design and materials of development proposals will protect, conserve and enhance the key characteristics and valued features of the defined Landscape Types. Given the expansive open undeveloped arable setting and the scale of the proposed development, Officers consider that this proposal would not be compliant with the aims of the relevant policy criteria and this would weigh against the grant of planning permission.

Visual Effects

The visual effects of the proposed development are assessed by way of a Zone of Theoretical Visibility (ZTV) and assessment at selected viewpoints. The ZTV demonstrates that views to the development would intermittently be gained, particularly from up to 5km distant to the south-east and the north and north-east of the site.

Some of the viewpoints requested by officers including a long-range view from Dilham Road approaching Worstead from the east and from the public footpath to the north, Worstead FP1 have not been included in the viewpoint selection.

Of the 14 different types of visual receptor identified (including residents, road, rail and Worstead station users, visitors to St Mary's church, users of the recreation ground in Worstead), all were predicted to experience long term Adverse Effects as a result of the proposed development.

One group (residents on Station Road) were predicted to experience long term Moderate/Major Adverse Effects, seven groups are expected to be impacted by long term Moderate Adverse Effects and six groups to be impacted by Minor-Minor/Moderate Effects.

This demonstrates a considerable degree of visual harm resulting from the development.

There is no analysis of the visual effects from each of the ten identified viewpoints (A to J), nor is there any cross referencing of the effects from these viewpoints with the relevant type of receptor which renders the viewpoints fairly unhelpful. However, the Photomontages which have also been provided are useful in giving an accurate depiction of how development would sit within the landscape.

It is accepted that distant views of the development would be intermittent due to intervening vegetation and landform, but the extremely large scale of the building means that these intermittent views would be more frequent and far reaching, detracting from the historic church towers that are the predominant defining landmark features in this relatively flat arable landscape.

Mitigation

The only direct mitigation of visual impact is the finish appearance of the 34.6m tall building. The upper section is proposed to be a Grey White non-reflective finish (RAL 9002) with matching rainwater goods, and the lower section a darker grey (Agate Grey RAL 7038). The darker section is intended to marry with the surrounding tree canopy height so that from distant views it blends more effectively with the darker vegetation from the right height and the upper section is paler to blend with cloud cover. Photovoltaic panels are proposed on the roof, and these would be screened by a parapet wall.

No vegetation will be removed to facilitate the development and no planting is proposed.

Officers consider that the development would result in landscape and visual harm that will be most adverse in close proximity to the site and would reduce in effect moving away from the site. Given the extremely large scale of the proposed building, the effects would be experienced from numerous locations over a considerable distance from the site (up to 5km). This would be moderated to some extent by topography and intervening vegetation, but adverse landscape and visual effects will be permanently experienced, and in this regard, there would be conflict with Core Strategy Policy EN2. This conflict will need to be weighed in the planning balance.

3. Biodiversity & Geology

The Council has a duty under the Natural Environment and Rural Communities Act 2006 to have full regard to the purpose of conserving biodiversity which extends to being mindful of the legislation that considers protected species and their habitats and to the impact of the development upon sites designated for their ecological interest.

Core Strategy Policy SS 4 states that areas of biodiversity interest will be protected from harm, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged.

Policy EN 9 states that all development should protect the biodiversity value of land and buildings and minimise the fragmentation of habitats, maximise opportunities for restoration, enhancement and connection of natural habitats and incorporate beneficial biodiversity conservation features where appropriate. Proposals which cause a direct or indirect adverse effect to nationally designated sites, other designated areas or protected species will not be permitted unless:

- *they cannot be located on alternative sites that would cause less or no harm;*
- *the benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and*
- *prevention, mitigation and compensation measures are provided.*

The policy also states that development proposals that would be significantly detrimental to the nature conservation interests of nationally designated sites will not be permitted.

The proposed development is located within the existing active industrial site. With regards to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the application has been screened out of the Schedule 1 and 2 as it does not meet the threshold to require an Environmental Impact Assessment.

Officers consider that given the location and nature of the proposed development, protected habitats and species are unlikely to be affected and so there is no requirement for Ecological Assessments to have been submitted.

In relation to Biodiversity Net Gain (BNG), the application site is considered to be de minimis.

4. Historic environment

Policy EN 8 of the Core Strategy states that development proposals should preserve or enhance the character and appearance of designated assets, historic buildings/structures, monuments, landscapes and their settings through high quality, sensitive design. Where required, development proposals affecting sites of known archaeological interest will be required to include an assessment of their implications and ensure that provision is made for the preservation of important archaeological remains. This policy also seeks to ensure that the character and appearance of Conservation Areas is preserved, and where possible enhanced, encouraging the highest quality building design, townscape creation and landscaping in keeping with these defined areas.

It should be noted that the strict 'no harm permissible' clause in Local Plan Policy EN 8 is not in full conformity with the guidance contained in the latest version of the NPPF. As a result, in considering the proposal for this site, the Local Planning Authority will need to take into consideration the guidance contained within Chapter 16 of the NPPF as a material consideration. A number of these requirements are alluded to below, including the requirement to balance any less than substantial harm to a designated heritage asset against the public benefits of the development.

Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 (LBCA) states that with respect to any buildings or other land within a conservation area, in the exercise of relevant functions under the Planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) places a duty on Local Planning Authorities to have special regard to the desirability of preserving a

Listed Building, or its setting, or any features of special architectural or historic interest it possesses.

Whilst the application site itself does not directly affect designated heritage assets, there is the potential for indirect impacts upon the setting of nearby assets resulting from the scale and massing of the proposal.

In respect of the Grade I listed Church of St Botolph, Grade II* listed Old Hall Farm and its Grade II listed barn, Grade II listed Lacey Farm and the Worstead Conservation Area, Officers broadly concur with the findings of the submitted Settings Appraisal document in which it is considered that no harm would be caused to their setting or overall significance. The remaining assets are discussed in more detail below.

Grade I listed Church of St Mary

In respect of this important asset, Officers also do not disagree with the general analysis of the stage 2 assessment. Equally, officers are mindful of the definition of setting within the NPPF which includes the line; *"Its extent is not fixed and may change as the asset and its surroundings evolve"*.

Therefore, whilst there is currently relatively little intervisibility between the application site and the church, and the proposed building would not currently block or impinge upon any key or designed views of the listed building, circumstances can change where vegetation is concerned, not only seasonally but also in terms of disease and loss.

Consequently, a building of the scale proposed would have the potential to challenge the primacy of the heritage asset when viewed from certain public receptors to the south and west. Even if this were to be happen, however, the level of harm would be relatively modest in real terms given the separation distance between the application site and asset. Nonetheless, this potential to move from a purely landscape impact to a heritage impact will be factored into the overall planning balance.

Grade II listed Swan Cottage & New Lane Cottage

Situated closer to the application site, these two buildings are modest and characterful vernacular cottages. Since their construction, rather than an entirely rural context, the backdrop to both buildings is now in part informed by utilitarian structures and infrastructure. Trees now surround the properties to screen the neighbouring factory, however the tree cover provided is only seasonal.

Looking at the impact of the existing factory, at present the majority of the existing structures on site are low rise and do not have a significant upstanding presence above the intervening planting (which also includes that to the west of the train track). The exceptions to this are the flues which project above the height of the tree line. These, however, are relatively slender in their form and although clearly intrusive within the landscape, are not excessively so.

By contrast to the flues, the proposed development would create additional height and significantly more high-level solidity and volume. The result would be a monolithic edifice which would tower above its surroundings and would dwarf the listed buildings. Whilst the tree cover would provide a partial filter (depending upon the time of year), it is considered that the proposed building would loom large in the background of both buildings.

On this basis, officers take issue with the Settings Appraisal where it concludes that the *"proposed development will therefore result in no harm to the significance of these two grade II Listed Buildings"*. Indeed, rather than concentrating on the views eastwards out of the factory, Officers would attach equal (if not more) weight to the westward views out from the cottages. Here, the presence of a disproportionately sized new build in the background would

influence and detrimentally affect the experience and enjoyment of these heritage assets over and above the current impact of the factory.

In terms of quantifying the magnitude of this harm, it falls in the 'less than substantial' category for NPPF purposes. Within this wide classification, allowance must be made for the impacts being indirect and directional, and for the current presence of the factory and railway line. Hence the harm would lie towards the lower end of this spectrum. However, as stated in paragraph 212 of the framework, great weight should be given to the conservation of heritage assets irrespective of the level of harm. Therefore, an approval can affectively only be issued in the event of the identified harm being outweighed by other materials considerations or public benefits accruing (para 215 refers).

Given that harm to heritage assets has been identified, as set out above, the duties placed on the Council under Section 66 and Section 72 of the LBCA will need to be given careful consideration as part of the planning balance.

5. Residential amenities

Policy EN 4 states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. Policy EN 13 states that all development should minimise and reduce forms of pollution and development will only be permitted where there are not unacceptable impacts on general amenity, health and safety of the public and air quality, amongst other matters.

Paragraph 3.3.10 of the North Norfolk Design Guide states that residents have the right to adequate privacy levels, nor should new development lead to any overbearing impacts upon existing dwellings. Existing residents should also be kept free from excessive noise and unwanted social contact. To ensure a degree of privacy between neighbouring properties guidance minimum separation distances are set out within this section of the document.

Loss of privacy/ Overbearing/ Overshadowing

There is not considered to be any unacceptably adverse impacts in terms of loss of privacy or overlooking from the proposed development as there are no windows and the store would not be manned.

In terms of overshadowing and overbearing, the proposed cold store would be located at the rear of the site to the southeast. The nearest residential properties are located on Station Road to the front of the site. whilst the 34m tall building would be clearly visible it is unlikely to be overbearing to the residents of Station Road given the separation distances and the existing factory and boundary treatments acting as a buffer.

The application is supported by a shadow study which shows the impact of development on the nearest residential dwellings along Station Road. In any month, approximately 4 dwellings out of the 23 along Station Road are affected by overshadowing. These properties are largely affected by the development in the mornings during winter months, when the sun is lower in the sky. The submitted report demonstrates that the shadow leaves the boundary between Albert Bartlett and the dwellings at the latest by 10:40 in December and 10:15 in January. This reduces each month, by March the shadow has left by 07:39 and by June there is no overshadowing of those dwellings. The full timings are set out in the table below.

Month	Time shadow leaves the boundary	Month	Time shadow leaves the boundary
January	10:15	July	06:04
February	08:02	August	07:09
March	07:39	September	08:22
April	07:10	October	09:36
May	06:00	November	09:52
June	No Shadow	December	10:40

The Law Commission 'Rights of Light' 2014 report states that 'The legal system recognises the value of natural light inside buildings, but because available space is finite it has to strike a balance between the importance of light and the importance of the construction of homes and offices, and the provision of jobs, schools and other essentials.

BRE guidance sets out the British standard in relation to daylight / sunlight requirements. BS EN 17037 domestic requirement for sunlight recommends that an indoor space should receive a minimum of 1.5 hours of direct sunlight on the equinox. It is also recommended that at least half of an assessed outdoor area should receive at least two hours of sunlight on the equinox. Given a small number of properties on Station Road would be affected for a maximum period of 2 hours and 36 minutes of the day, and this would be either during the early mornings or during the winter months when there is generally less sunlight, the impact is considered on balance to be acceptable.

Noise

The application is supported by a Noise Impact Assessment prepared by Adrian James Acoustics June 2025.

Albert Bartlett's Westwick factory is situated next to a group of approximately 30 houses, 1 km south-west of the village of Worstead in Norfolk. The houses back on to the north-west boundary of the factory. The other site boundaries are bordered by farmland. The nearest dwelling to the south-east is a former crossing keeper's cottage on Broad Road, approximately 300 m from the site. There is also a holiday let in woods approximately 100 m east of the site boundary. There is a railway line along the eastern site boundary. The north-west area of the factory site consists predominantly of offices and storage facilities. The noisiest processes are generally situated in the east and south-east of the site.

The proposed works would see the existing cold store and associated plant removed and replaced. The representative background sound level to the rear of houses on Station Rd was established by unattended measurement. The background level is 43 dB LAF90,T when the factory is running during the week and 37 dB LAF90,T at weekends. The representative background sound level at all nearby receptors is dictated by sound from the factory which runs day and night. Dwellings on station Road are subject to slightly lower background levels at the weekend. The representative background sound level to the east is dictated by the odour scrubber fan which runs during the week and at weekends.

The representative background sound level at the former keeper's cottage on Broad Road was determined from attended measurements and is 41 dB LAF90,T during the week and at weekends. The representative background sound level at New Lane Cottage was determined by calculation and is 48 dB LAF90,T during the week and at weekends. The specific sound level of the new noise sources was found using a CadnaA model. The combined specific level of the new sources would be 20 dB(A) at the houses on Station Road, 36 dB(A) at the former keeper's cottage and 43 dB(A) at New Lane Cottage.

The BS 4142 assessment methodology indicates that there would be a low impact as the

rating level is below the background sound level at all nearby dwellings.

Environmental Health Officers have considered the report and would not object given the proposed noise levels would be less than existing.

Odour

In 2009 permission was granted for the installation of an odourous air treatment system. The proposal seeks only to upgrade and expand the on-site cold storage facilities which are already present on the site, given there would be no additional production/ processing of food products there is not considered to be any additional odour concerns as a result of the proposed development.

6. Economic benefits

Whilst the application seeks purely to increase and improve the cold storage facilities on the site, there would be economic benefits associated with the proposal.

The Design and Access Statement states that since taking over the Westwick site in 2015 the applicant has invested more than £25m in new machinery and building refurbishment to upgrade site standards and working conditions and to improve product quality and capacity.

It is anticipated that the site would use around 65,000 tonnes of potatoes at Westwick in 2024-25, with some 39,000 tonnes (around 60% of the total) being grown on local farms within a 50-mile radius. The value of this local spend is around £10m a year with East Anglian farmers and supporting businesses. Sourcing potatoes within this radius also minimises the distance that local farmers have to travel in order to deliver potatoes to a processing facility, with other plants being located further afield in the UK.

Albert Bartlett provides 344 full-time equivalent jobs at the Westwick site, as well as directly and indirectly supporting farmers, suppliers, hauliers, contractors and many other local businesses. The Site relies on assistance and support from outside contractors to maintain the safe, efficient operation of the site. Locally Albert Bartlett uses around 15 major local contractors and their spend within them exceeds £3m each year, with a further £2.3m to smaller, bespoke contractors.

Given the proposal seeks additional storage which would be unmanned and entirely mechanised, it is not proposed that there would be any increase to employee numbers as a result of the proposed development. There is also no capacity to process additional goods at the site and therefore production levels would not increase beyond what is undertaken now.

However, should it become unviable for the applicant to continue to produce and store their frozen potato products on the site as existing, then it is anticipated that the production volume would transfer to Europe using potatoes grown on the Continent.

Economic Growth Officers support the application as it is recognised that the proposal would bring operational efficiency and energy savings to the business. More widely, it is acknowledged that the applicant contributes around £50m a year to the local economy from the Westwick site through labour pay rates, potato procurement, local business support and investment into local community projects, with a projected turnover of £75m.

Officers consider that the economic benefits of the proposal would attract substantial positive weight in favour, which need to be weighed in the planning balance.

7. Highways

Core Strategy Policy CT 5 requires development to be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location and to provide safe and convenient access for all modes of transport, including access to the highway network. Proposals should be served by safe access to the highway network without detriment to the amenity or character of the locality. The expected nature and volume of traffic generated by the proposal should be accommodated by the existing road network without detriment to the amenity or character of the area or highway safety.

As set out above, paragraph 89 of the NPPF states that “decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.

In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).”

Paragraph 109 of the NPPF seeks to ensure that developments understand and address potential impacts on transport networks, identify and pursue opportunities to promote walking, cycling and public transport use. Paragraph 115 requires development to prioritise sustainable transport modes, provide safe and suitable access for all, be designed to meet national guidance and standards, and mitigate any significant impacts on the transport network.

Paragraph 116 states that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios”

Access

There is no proposed change to the existing site vehicle and pedestrian access points off Station Road.

With regards to access to the proposed building itself, there is no requirement for access by fork-lift trucks either from internal spaces or externally. Finished goods would continue to be dispatched via existing loading docks located to the southwest of the proposed development area.

The proposed development would not hinder or affect areas used for goods vehicle parking or turning.

Trip Generation

On average approximately 290 pallets of bulk product are transported off-site to third party cold storage facilities each week which then need to be brought back to the site in order to be packed for final distribution to their customers. These proposals would overcome the need for the movement of pallets between sites.

The proposal would increase the on-site cold storage facilities so the full cold storage requirements could be achieved on site. As a result, Heavy Goods Vehicle movements would be reduced as there would be no requirement to transport products to and from the off-site third-party storage which are currently necessary to use due to the prevailing storage constraints. In providing the full amount of their cold storage requirement on site this would remove 8-weekly goods vehicle movements.

A total of 82 vehicles per week would still leave site with finished goods and this will remain unchanged as production levels would not increase.

Highways Officers have considered the proposals and state that the information provided within the Design and Access Statement does not adequately address concerns regarding potential intensification of use of the existing site given the proposed storage level and have provided a holding objection based on the existing southern access on Station Road visibility being restricted in both directions by third party boundary hedgerow. From the required 2.4 metre setback position visibility is restricted to 32 metres in the critical traffic direction (north-east) and 13 metres to the south.

Taking into consideration the officers concerns, there are no planning restrictions on the current production output levels of the site. The applicant has also stated that the factory lacks the capability to increase process run times across the week and is constrained by the requirements to both clean & maintain the factory, therefore the process lines would continue to operate at the current level (Sunday Night through to Friday Evening). Given there would be no increase in production, 82 vehicles per week would still leave the site with finished goods. The need to store off site would be removed, reducing 8 weekly vehicle movements for storage purposes. Officers therefore consider that the scheme proposes an overall betterment in existing highways movements.

Parking

There is no requirement to provide additional staff parking as there would be no increase in employee numbers.

Overall, notwithstanding the holding objection from NCC Highways, Officers consider that a refusal based on highway grounds or potential intensification of use could not be sustained. The proposal would broadly comply with Core Strategy Policies CT 5 and CT 6.

8. Sustainable construction and energy efficiency

Core Strategy Policy EN 6 states that all new development will be required to demonstrate how it minimises resource consumption, minimises energy consumption compared to the current minimum required under part L of the Building Regulations, and how it is located and designed to withstand the longer-term impacts of climate change. All developments are encouraged to incorporate on site renewable and / or decentralised renewable or low carbon energy sources, especially in those areas with substation capacity issues. The most appropriate technology for the site and the surrounding area should be used, and proposals should have regard to the North Norfolk Design Guide.

The existing cold store and plant is outdated and inefficient and currently runs at a constant 100% capacity in order to maintain the temperatures required to ensure safe storage of frozen food products. The upgrade would allow compressor efficiency to be improved by 20-30% through enhanced machinery tolerances and advances in speed control and technology. The electrical motors within the compressors, evaporators and condensers would be in accordance with latest European standards, offering a further 5-8% improvement in efficiency. Furthermore, the current freezer system uses water for cooling of the equipment, which is not required for the proposed new plant and machinery which would save approximately 2.8-million litres of water per annum. Additional surface water would be recycled and used within factory processing.

The proposed facility would be constructed using low conductivity insulation panels and incorporate highly energy efficient refrigeration equipment to minimize its power requirement

in providing a stable temperature of -20 degrees C. The 200mm thick cladding and roofing panels proposed would offer a reduction in heat gain of approximately 30% over traditional materials and thicknesses.

The new cold store would require only a minimal level of lighting as staff do not need to enter it on a day-to-day basis, due to the fully automated storage equipment system. Photovoltaic solar panels would be installed on the roof to provide a renewable energy source.

The above factors contribute towards the applicant's aim of a 42% reduction in operational carbon emissions by 2030 and becoming net-zero by 2040.

Goods vehicle movements would also be reduced by 8 weekly journeys due to not having to transport products to and from off-site storage facilities.

The proposed development would ensure the applicant's long-term viability at this site, enabling it to continue to use locally grown potatoes and thereby reducing food miles. Reducing capacity or indeed loss of the factory would increase longer distance vehicle journeys to deliver the grown products to other facilities around the country.

Officers consider that the proposal would accord with relevant Development Plan Policies.

9. Flooding and drainage

Policy EN 10 of the Core Strategy states that the sequential test will be applied rigorously across North Norfolk and most new development should be located in Flood Risk Zone 1. The policy also states that appropriate surface water drainage arrangements for dealing with surface water runoff from new development will be required. The use of Sustainable Drainage Systems will be the preference unless, following an adequate assessment, soil conditions and / or engineering feasibility dictate otherwise.

The site is located within Flood Zone 1. Much of the site is hard surfaced with concrete slab. The proposed development is located within an area of the site with existing concrete paving plus the area of existing building to be demolished. The surface water from these areas drains into the factories existing rainwater harvesting and treatment system. It is proposed that the new roof areas would continue to discharge to this system and be recycled for use during the processing stage. It is considered that there would be no significant increase in surface water discharge as result of the development in accordance with Policy EN 10.

Planning Balance/ Conclusion

The proposal seeks to construct a new cold store and plant at the Albert Bartlett site on Station Road, outside the village of Worstead. Under Policy SS 2 in Countryside locations extensions to rural businesses are supported in principle.

With regards to residential amenity there would be some improvement to existing noise levels from the factory as the new cold store would be able to run more efficiently than the existing store. However, the height and scale of the new store would create some overshadowing of nearby properties on Station Road, at worst this would be limited to less than 3 hours of a morning. The impact of this is considered to comply with the BRE British Standards of rights to light and would be acceptable under Policy EN 4. Whilst detrimental impacts would arise, Officers consider that these adverse impacts do not amount to significantly detrimental impacts on residential amenity.

Less than substantial heritage harm has been identified to heritage assets. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In the case of less than substantial harm, this should be weighed against any public benefits generated by the development.

There would be a significant Landscape impact, which is most adverse in close proximity to the site but would be mitigated by distance away from the site. Given the large scale of the proposed building, the effects would be experienced from numerous locations over a considerable distance from the site (up to 5km). Although those impacts would be moderated to an extent by topography and intervening vegetation, the adverse landscape and visual effects will be permanently experienced. This landscape and visual impact would be contrary to the aims of Core Strategy Policies EC 3 and EN 2.

In terms of the benefits of the scheme, the proposed cold store would provide efficiencies, improving the on-site storage capacity and utilising more energy efficient equipment. The new equipment would run more efficiently and at a reduced noise level when compared to existing plant on site. The volume of HGV movements would also be reduced by 8 per week as the need to transport products for storage off site would be removed.

The site is an important source of employment in North Norfolk employing people to work within the site but is also supplied by a number of local farmers, hauliers and contractors. If the site were no longer economically viable then Albert Bartlett have indicated that they would relocate the site most likely to Europe and this would have a significantly detrimental local economic impact not only for people directly employed but for suppliers including the farming industry.

On balance, it is considered that the wider public benefits including economic and sustainability benefits would outweigh the identified amenity, landscape and heritage harms. This positive balance and appropriate mitigation enable a departure from Development Plan policies EC 3 and EN 2.

RECOMMENDATION:

APPROVAL subject to conditions relating to the following matters:

- Time limit
- Development in accordance with approved plans
- Materials
- External Colour
- Details of Machinery / Plant

Final wording of conditions and any others considered necessary to be delegated to the Assistant Director – Planning

Fulmodeston – PF/24/2434 – Erection of additional four, one-bedroom self-contained tree houses for use as short-term holiday let accommodation with external works and servicing (to include solar panels, ponds and car parking provision) at Land at Woodland, Browns Covert, Hindolveston Road, Fulmodeston for Mr D Astley

Minor Development

Target Date: 07 Feb 2025

Extension of Time: 31 July 2025

Case Officer: Jamie Smith

Full Planning Permission

RELEVANT SITE CONSTRAINTS

The site lies within a Countryside location in policy terms

The site lies within the Tributary Farmland landscape type in the North Norfolk Landscape Character Assessment

The site is within a Mineral Safeguarding Area

The site contains an area at risk of surface water flooding

The site contains an area at risk of ground water flooding

The site is detailed as River Network SFRA

The site lies within the Zone of Influence of a number of habitats sites

The site lies adjacent to the Site of Special Scientific Interest

RELEVANT PLANNING HISTORY

PF/24/1746 - Supporting infrastructure related to the two treehouses approved under planning permission PF/21/3458 comprising guest arrival area with parking, open canopy and timber boardwalk, fire water ponds and a single array of solar PV panels to serve both units – Approved.

RV/24/1502 - Variation of condition 2 (approved plans) of planning permission PF/21/3458 (Erection of two one-bed tree houses with external works and servicing (to include biorock drainage system and solar panels) to allow design alterations to Treehouse 1 and provision of bin and gas bottle store – Approved.

PF/21/3458 - Erection of two one-bed tree houses with external works and servicing (to include biorock drainage system and solar panels) – Approved.

NP/24/2167 - Prior notification of proposed upgrading of track for forestry use - Prior Approval not required.

GF/94/0011 - Improvements to forest road/turning area to facilitate removal of timber (notification by Forestry Commission) – no objections.

THE APPLICATION

The site is located at the western edge of Little Wood and Brown's Covert approximately 0.6km east of Fulmodeston and 0.9km southwest of Swanton Novers along the Hindolveston Road.

The application seeks full planning permission for the provision of four self-contained treehouses within Swanton Novers Wood on the Astley Estate to be used as visitor

accommodation including with external works and servicing (to include solar panels, ponds and car parking provision).

The application states that a total of '14' treehouse were outlined in the approved application PF/21/3458. The current application proposes 'four' treehouses to form part of the second phase of construction and will bring the total up to 'six' treehouses.

The proposal includes solar PV to enable the scheme to be entirely supported by renewable energy and the construction of three new clay lined ponds, which will provide both a water source for the fire and rescue service and contribute to the forest's biodiversity.

The application states that the income earned from the treehouses will help to deliver a sustainable environmental management programme and biodiversity enhancements over an area spanning in excess of 450 acres. The proposed treehouses would also contribute to other sustainable projects across the wider Estate and would provide an independent revenue stream to subsidise the income from farming and help to deliver an essential conservation woodland management plan. The income from the treehouses will replace the revenue from timber extraction helping to supplement the ongoing farming operation and finance the establishment and maintenance of the woodland conservation area.

The scheme proposes off road parking for visitors along the access road into the site. Additionally, the scheme proposes an arrival area with timber canopies to include luggage trollies, head torches and maps.

REASONS FOR REFERRAL TO COMMITTEE

The application has been referred to committee at the request of Cllr Hankins for the following reasons:

"This is an unusual innovative proposal that combines the need to manage the woodland through the support of an eco-tourism project. The proposal provides access to the countryside for tourism whilst at the same time achieving a scientifically developed funding plan that respects the ecological footprint. Given the unusual nature of the proposal and the complexity, I think it is best subjected to review by the Development Committee".

CONSULTATIONS

Swanton Novers Parish Council: Support.

Fulmodeston Parish Council: No objection.

North Norfolk District Council Landscape: Holding Objection under CS Policy EN 9. (Currently awaiting further comments regarding SSSI impact assessment and use of a cesspit).

North Norfolk District Council Environmental Health: No objection subject to conditions.

Norfolk County Council Highways: No objection.

Public Rights of Way & Green Infrastructure: No objection.

Natural England: Further information required, subject to ensuring measures are in place to manage impact of new overnight tourist accommodation on the qualifying features of the European Site(s) (habitats site(s), i.e. GI RAMS payment and completion of an appropriate assessment.

Economic And Tourism Development Manager: Support. The application on the basis of farm diversification, rural business and tourism development. It is also recognised that there are wider potential economic benefits that would be derived by such a proposal – such as jobs in the construction phase, local spend from visitors, supporting the local and visitor economies.

Fire Service: No objection, subject to ensuring building regulation and fire safety policies have been agreed and undertaken.

REPRESENTATIONS

One comment and one objection have been received on the following grounds:

Comment

- Request more detail on the effect of Swanton Novers National Nature Reserve.
- Vehicle movement assessment from Hindolveston Road.
- Impact of the internal and external lighting.
- Detailed site and access photos required.
- Site 1, 2 and 3 will be visible from the PROW and from Fulmodeston footpath 3.

Objection

- Concern regarding the presumption of the previous approval.
- Extent of the estate recreational diversification scheme and how large will it be?
- Cumulative impact of piecemeal planning on NNR biodiversity, access and local amenity and lack of sustainability.
- Lack of action or other planning approvals in the Estate for housing.
- Expanded forest track in respect to materiality and requirement for fire engines and tankers etc, on land which was wetland.
- Drainage.
- Light pollution.
- Impact on River Stiffkey Chalk Stream.
- Fire ponds will be breeding ground for louse flies and mosquitoes.
- Principle of another 10 treehouses building close to the NNR and its impact thereafter.
- Impact on biodiversity and species.
- Fire risk.
- Would the money be better spent towards woodland management and investment in woodland grants.
- Checking of the woodland and visitor plan to ensure that BNG plans are being implemented.
- Incremental loss of biodiversity and not a sustainable project in relation to location and next to an NNR.

HUMAN RIGHTS IMPLICATIONS

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the above matters, refusal of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER

The application raises no significant crime and disorder issues.

EQUALITY AND DIVERSITY ISSUES

The application raises no significant equality and diversity issues.

LOCAL FINANCE CONSIDERATIONS

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application.

Local finance considerations are not considered to be material to this case.

RELEVANT PLANNING POLICIES

North Norfolk Core Strategy

SS 1: Spatial Strategy for North Norfolk
SS 2: Development in the Countryside
SS 4: Environment
SS 5: Economy
SS 6: Access and Infrastructure
EN 2: Protection and Enhancement of Landscape and Settlement Character
EN 4: Design
EN 9: Biodiversity and Geology
EN 10: Development and Flood Risk
EN 13: Pollution and Hazard Prevention and Minimisation
EC 7: The Location of New Tourism Development
EC 9: Holiday and Seasonal Occupancy Conditions
CT 5: The Transport Impact of New Development
CT 6: Parking Provision

Supplementary Planning Documents:

North Norfolk Design Guidance (2011)
North Norfolk Landscape Character Assessment (2021)
North Norfolk Landscape Sensitivity Assessment (2021)

Material considerations

National Planning Policy Framework (NPPF):

Chapter 2: Achieving sustainable development
Chapter 4: Decision-making
Chapter 6: Building a strong, competitive economy
Chapter 8: Promoting healthy and safe communities
Chapter 9: Promoting sustainable transport
Chapter 12: Achieving well-designed places
Chapter 14: Meeting the challenge of climate change, flooding and coastal change
Chapter 15: Conserving and enhancing the natural environment

North Norfolk Emerging Local Plan

The Council's Emerging Local Plan was subject to a further round of examination in April 2025 and, following receipt of the Inspector's letter dated 08 May 2025, subject to completion of required Main Modifications, six-week public consultation and completion of any additional modifications, the plan is expected to be found sound and adopted in Autumn 2025. At this stage, whilst the Emerging Local Plan is capable of attracting some weight for decision making purposes, this would be considered "limited" at this stage and, in any event, there are no specific proposed new policies that would lead to a materially different planning outcome than the policies within the existing Core Strategy documents.

Other relevant documents/considerations

Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy - Habitats Regulations Assessment Strategy Document (2021)

OFFICER ASSESSMENT

Main Issues for consideration:

- 1. Principle of development**
- 2. Design, appearance and effect on the character of the area**
- 3. Biodiversity & ecology**
- 4. Arboriculture**
- 5. Residential amenities**
- 6. Sustainable construction and energy efficiency**
- 7. Highways and parking**
- 8. Flooding and Drainage**
- 9. Other considerations**

1. Principle of development

In accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

At a national level, the National Planning Policy Framework (NPPF) constitutes guidance which the Local Planning Authorities (LPA's) must have regard to. The NPPF does not change the statutory status of the development plan as the starting point for decision making but is a material consideration in any subsequent determination.

The spatial strategy for North Norfolk is set out within Policy SS 1 of the Core Strategy (CS). This states that the majority of new development within the district will take place in the towns and larger villages dependent on their local housing needs, their role as employment, retail and service centres and particular environmental and infrastructure constraints. The policy lists principle and secondary settlements as well as service and coastal service villages. The rest of North Norfolk is designated as 'Countryside'. CS Policy SS 2 restricts development within areas designated as Countryside to that which requires a rural location and is for one of more of the types of development listed in the Policy. These include development for agriculture, recreation and tourism.

Whilst the application refers to agricultural diversification, the most relevant CS policy relating to the consideration of this application is CS Policy EC 7 as it specifically relates to the location of new tourism development and sets out a sequential approach for such accommodation and attractions. The Policy states that:

“New tourist accommodation and attractions should be located in accordance with the sequential approach below:

- Proposals for new build tourist accommodation and attractions should be located within the Principal and Secondary Settlements.*
- Within the Service Villages, Coastal Service Villages and the Countryside proposals for new tourist accommodation and attractions will be permitted in accordance with other policies for Employment Areas, the Re-use of Buildings in the Countryside, and Extensions to Existing Businesses in the Countryside.*
- Where it can be demonstrated that there are no sequentially preferable sites, no suitable buildings for re-use and that a rural location is necessary, then new build attractions and serviced accommodation may be permitted in the ‘resorts and hinterland’ and ‘rural’ Tourism Asset Zones of the Countryside where they are in close proximity and have good links to, the Principal and Secondary Settlements.*

Proposals for new build un-serviced holiday accommodation in the Countryside will be treated as though they are permanent residential dwellings and will not be permitted.”

The NPPF (at para 88) sets out a presumption in favour of sustainable development for decisions on planning applications. It states that planning decisions should enable ‘*sustainable rural tourism and leisure developments which respect the character of the countryside*’. Additionally, the NPPF (at para 89) states that “*decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport*”.

The site lies within the ‘rural’ Tourism Asset Zone, which, in terms of the policy’s sequential approach, is where new tourism development *may* be permitted subject to qualifying criteria. The site is not considered to be in close proximity, nor does it have good links to the Principal and Secondary Settlements. The site is 5 miles from Fakenham and 7.5-miles from Holt which are the closest Principal Settlements. These settlements could only realistically be reached by car, and given the lack of public transport, the distance and road conditions, would deter walking and cycling. Therefore, the proposal would not represent sustainable development. Furthermore, as the proposal is for un-serviced accommodation it has to be treated as though it is for permanent residential dwellings which the policy makes clear will not be permitted.

Although the Core Strategy was adopted prior to the introduction of the NPPF, its relevant policies remain consistent with the NPPF’s aims. Both policy documents support the principle of sustainable rural tourism and place strong emphasis on protecting the intrinsic character of the countryside. The proposed development seeks to deliver a tourism offer that is inherently linked to a rural setting. It is acknowledged that the sites remote location may enhance its

appeal to visitors seeking a tranquil and countryside experience. However, the isolated nature of the site also raises significant concerns regarding sustainability. The proposal involves new built form in an undeveloped woodland area. Due to the lack of nearby services and public transport options, future users of the development would be heavily reliant on private vehicles for access to essential facilities. The level of car dependency is contrary to the principle of sustainable development as outlined in para 85 of the NPPF, which encourages rural development that is both sensitive to its setting and capable of being made more sustainable. In this case, given the site's more isolated location, meaningful improvements to its sustainability credentials are not realistically achievable.

In the event that the proposed were to be supported by the Local Planning Authority (LPA), then CS Policy EC 9 would also be relevant. This sets out that new holiday accommodation in the countryside will be subject to restrictive conditions in order to provide the correct balance between encouraging tourism and other policy aims of controlling development in the countryside. Such conditions would ensure that the tree houses would only be used for holiday purposes and not the sole/main residence of the occupiers.

For the reasons stated, it is considered that the proposed scheme would not accord with the key CS policy relating to new tourism accommodation (Policy EC 7).

2. Design, appearance and effect on landscape character

CS Policy SS 4 states that all development proposals will contribute to the delivery of sustainable development, ensuring protection and enhancement of natural and built environmental assets and geodiversity. Open spaces will be protected from harm, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged. New development will incorporate open space and high-quality landscaping to provide attractive, beneficial environments for occupants and wildlife and contribute to a network of green spaces. Where there is no conflict with biodiversity interests, the quiet enjoyment and use of the natural environment will be encouraged, and all proposals should seek to increase public access to the countryside.

CS Policy EN 2 states that proposals should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment and features identified in relevant settlement character studies. Development proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance:

- the special qualities and local distinctiveness of the area (including its historical, biodiversity and cultural character)
- gaps between settlements, and their landscape setting distinctive settlement character the pattern of distinctive landscape features, such as watercourses, woodland, trees and field boundaries, and their function as ecological corridors for dispersal of wildlife visually sensitive skylines, hillsides, seascapes, valley sides and geological features nocturnal character the setting of, and views from, Conservation Areas and Historic Parks and Gardens.
- the defined Setting of Sheringham Park, as shown on the Proposals Map.

CS Policy EN 4 states that all development will be of a high-quality design and reinforce local distinctiveness. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable. Proposals will be expected to have regard to the North Norfolk Design Guide, successful proposals will:

- incorporate sustainable construction principles,
- make efficient use of land,
- be suitably designed within their context,
- retain important landscape and natural features
- incorporate landscape enhancements, ensure buildings are appropriate scale and massing,
- make clear distinctions between public and private spaces,
- create safe places, which are accessible to all,
- incorporate footpaths and green links, ensure that parking is discreet and accessible and where possible,
- contain a mix of uses buildings and landscaping.

The site lies within designated Countryside and within the Tributary Farmland Landscape Type for the purposes of the North Norfolk Landscape Character Assessment (SPD 2021) where the guidelines for managing impacts upon the Tributary Farmland Landscape Type include conserving a sense of rurality.

Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, with good design a key aspect of sustainable development. Paragraph 135(b) states that *'development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping'*. Paragraph 139(b) of the NPPF goes on to state that significant weight should be given to *'outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'*.

It is considered that the treehouses offer 'four' architecturally distinct, bespoke holiday units and provide unique experiences that would widen and enhance the existing tourism offer in the area. Whilst the treehouses sit within a close relationship to surrounding trees, they are structurally independent from the trees themselves. The design incorporates sustainable principles, including the use of site sourced timber, renewable energy via PV arrays and wood burners for heating.

Although the treehouses are architecturally distinctive, they would not be readily visible from outside the application site. Whilst glimpses of treehouse 3 may be available from the PROW to the east, the structures would largely be experienced within the woodland and not be visually intrusive. In line with Paragraph 187 of the NPPF, the proposal seeks the use of natural materials and unique design to help integrate the development into the woodland setting.

Application PF/21/3458 raised concerns about bird strikes and light spill from the treehouses affecting the woodlands nocturnal character. The current proposal addresses these through design consideration, to include glazing size and placement on the buildings and a comprehensive internal and external lighting strategy. This strategy includes a 40% reduction to the external visible light transmission compared to a standard residential dwelling, and

minimal environmentally sensitive external lighting. officers consider that the mitigation strategy can be secured by condition, but critically the development has an incremental / cumulative effect on the woodland and its nighttime environment due to inherent tension between lighting, activity and the ecological sensitivity. Even with the proposed mitigation officers consider that the woodland does not have the capacity to appropriately absorb the further adverse landscape impacts arising from the proposals.

Subject to conditions, the proposal is considered to not conflict with the aims of CS Policies EN 2 and EN 4 and Paragraph 187 of the NPPF.

3. Biodiversity and Ecology

The Council has a duty under the Natural Environment and Rural Communities Act 2006 to have full regard to the purpose of conserving biodiversity which extends to being mindful of the legislation that considers protected species and their habitats and to the impact of the development upon sites designated for their ecological interest.

CS Policy SS 4 indicates that areas of biodiversity interest will be protected from harm, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged. CS Policy EN 2 aims to ensure that development protects, conserves and, where possible, enhances distinctive landscape features, such as woodland, trees and field boundaries, and their function as ecological corridors for dispersal of wildlife.

CS Policy EN 9 states amongst other things that *“all development should protect the biodiversity value of land and buildings and minimise the fragmentation of habitats, maximise opportunities for restoration, enhancement and connection of natural habitats and incorporate beneficial biodiversity conservation features where appropriate. Proposals which cause a direct or indirect adverse effect to nationally designated sites, other designated areas or protected species will not be permitted unless:*

- *they cannot be located on alternative sites that would cause less or no harm;*
- *the benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and*
- *prevention, mitigation and compensation measures are provided”.*

Paragraph 187 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value, minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs.

Paragraph 193 advises that when determining planning applications, significant harm to biodiversity should be avoided, adequately mitigated, or, as a last resort, compensated for. Should this not be possible, then permission should be refused.

Ecology

The application is supported by a Preliminary Ecological Assessment to help provide an understanding of the ecological impacts of the development. The application also proposes a

lighting strategy informed by Guidance Note 08/23: Bats and Artificial Lighting at Night from the Institution of Lighting Professionals (ILP) and the Bat Conservation Trust to reduce the impact on sensitive ecological species.

An assessment of the impact of the proposal on Swanton Novers SSSI has also been provided at the time this report was being completed and Officers will update the Committee verbally on this matter.

Officers note that whilst income generated from the treehouses may support the wider sustainable and conservation objectives and aspirations of the Estate, the increase in visitor numbers associated with this proposal will inevitably lead to pressure on the woodlands including through habitat disturbance. Therefore, whilst mitigation and enhancement is proposed, Officers consider that the proposed development will still adversely impact on the woodlands character and nighttime environment, contrary to the aim of Core Strategy Policy EN 9 and these policy conflicts weigh against the grant of planning permission.

Biodiversity Net Gain

In relation to Biodiversity Net Gain (BNG), the application is supported by a completed copy of the Council's Biodiversity Gain Statement Template and Statutory Metric. The Landscape Officer has confirmed that the baseline calculations have been satisfied.

The applicant is proposing to deliver an 18.44% gain in Habitat Units through enhancement of 0.5ha of woodland in accordance with the Estate's wider Woodland Management Plan. If planning permission is granted, the mandatory BNG condition would apply requiring the submission of a Biodiversity Gain Plan and Habitat Monitoring and Management Plan. A condition and informative to secure the BNG provisions would be imposed in the event that an approval is granted.

In relation to BNG, it is considered that the scheme would accord with the requirements of CS Policy EN 9.

Recreation impacts

Norfolk LPA's have worked collaboratively to adopt and deliver a Green Infrastructure and Recreational Impact Avoidance and Mitigation (GIRAM) Strategy to ensure that the cumulative impacts of additional visitors, arising from new developments of housing and tourism to European sites, will not result in any likely significant effects which cannot be mitigated. The application site is within the Zone of Influence of a number of such sites with regards to potential recreational impacts.

In line with the GIRAMS strategy, a financial contribution of £304.17 per dwelling is identified in the approved GIRAMS that would provide appropriate mitigation for the indirect effects identified on designated habitat sites in Norfolk. However, as tourism accommodation, the GIRAMS tariff is calculated on the basis of one Rams tariff per 6 bed spaces for hotel or tourist accommodation. The creation of four units each having two-bed spaces results in creation of 8 bed spaces requiring a total GIRAMS contribution of £406.56 to provide the required mitigation..

Whilst the GIRAMS contribution has yet to be paid, the applicant has indicated that the GIRAMS tariff will be secured through a S106 Obligation. Subject to the appropriate tariff fee

being secured, the GIRAMS element would be acceptable and would accord with Core Strategy Policy EN 9.

Nutrient neutrality

Whilst the proposal is technically located outside of the Nutrient Neutrality catchment areas of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site, it is nonetheless in very close proximity to the catchment area (circa 500m away) and will result in additional overnight accommodation.

The application proposes a sealed cess pit system (2 no.) with no outflow. Waste is proposed to be removed by licenced contractors in compliance with the Environmental Protection Act 1990. Subject to confirmation that the waste will be disposed outside of the Nutrient Neutrality Catchment Area, the proposal is unlikely to significantly effect conservation objectives, either alone or in combination with other projects. In the event the application is approved, Officers would recommend that disposal of waste waters from the proposed cess pit systems is secured via a S106 to ensure that waste waters are disposed outside of the Nutrient Neutrality Catchment Area for the lifetime of the development or in perpetuity (circa 80 years). Subject to securing this, no further assessment is required, and the application can safely be determined in relation to Nutrient Neutrality under the Conservation of Species and Habitats Regulations 2017 (as amended) and would comply with CS Policies SS 4 and EN 9.

4. Arboricultural

CS Policy EN 2 aims to ensure that development protects, conserves and, where possible, enhance distinctive landscape features, such as woodland, trees and field boundaries. CS Policy EN 4 advises that development will be expected to retain existing important landscaping and natural features. Policy EN 9 seeks to maximise opportunities for restoration, enhancement and connection of natural habitats.

Paragraph 187 of the NPPF indicates that decisions should recognise the intrinsic character and beauty of the countryside, including the benefits associated with trees and woodland.

The application is supported by a Woodland Management Plan, Arboricultural Assessment, Tree Protection Plan and Arboricultural Method Statement. No objection has been received from the Landscape Officer in terms of the impact of the development on trees.

However, despite proposed mitigation, future expansion of the tourism offer and intensification of use of the woodland will likely pose a risk to high biodiversity value trees, potentially leading to their removal. This would conflict with CS Policy EN 4 which requires proposals to respect the character, landscape and biodiversity of the surrounding area.

Officers consider that the proposed sealed cess pit systems are unlikely to result in adverse arboricultural impacts.

As presented and with the imposition of appropriate conditions, the proposed development would accord with CS Policies SS 4, EN 4 and EN 9.

5. Residential Amenity

CS Policy EN 4 states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. Paragraph 135(f) of the NPPF states that developments should create places with a high standard of amenity for existing and future users.

Paragraph 3.3.10 of the North Norfolk Design Guide (SPD) states that residents have the right to adequate privacy levels, and that new development should not lead to any overbearing impacts upon existing dwellings. Existing residents should also be kept free from excessive noise and unwanted social contact.

The proposals would introduce some noise and disturbance into an otherwise tranquil woodland. However, given the site's more isolated location and the nearest dwelling (Keepers Cottage) being approximately 130 m from the closest treehouse, it is unlikely the development would materially harm residential amenity through noise, disturbance, or traffic or lead to significantly detrimental impacts. The proposed development therefore complies with Policy EN 4 and Section 12 of the NPPF.

6. Highways, Parking and Accessibility to the Site

As a remote location which intends to service four additional treehouses for holiday purposes then CS Policy CT 5 (The Transport Impact of New Development) is a material consideration. The policy requires that proposals provide safe and convenient access on foot, cycle, public and private transport inclusive of those with a disability; and that they are capable of being served via a safe highway network without detriment to the character or amenity of the locality. The expected nature and volume of traffic generated by the proposal should be able to be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety. Access to the site is via Fulmodeston Road which contains no pedestrian facilities such that virtually all trips to and from it would be dependent on the use of a private car.

Accessibility to Site

While rural settings are characteristic for this type of development, sustainability in transport remains essential. The NPPF and CS Policy CT 5 propose sustainable transport by encouraging walking, cycling and public transport, and directing development to accessible locations. Whilst no highways safety or parking concerns were raised by the Highways Officer, the sites more remote location is inherently unsustainable, relying heavily on private vehicles for access by users, staff and deliveries.

The lack of sustainable transport is a key consideration. This reliance conflicts with the aims of CS Policy CT 5 and criterion contained within EC 7, and paragraph 117 of the NPPF, which prioritise sustainable access and transport choice. As such, the conflicts with Development Plan policy weigh against the grant of planning permission.

Parking

Although the Councils parking standards do not specifically cover this type of development, hotel and guest house standards are considered a suitable comparison. These require one space per bedroom. Two spaces are provided for each unit as part of this scheme, along with cycle parking and access via a private road off Fulmodeston Road. The provision is considered compliant with CS Policy CT 6.

7. Flooding and Drainage

Flood risk

CS Policy EN 10 of the Core Strategy states that the sequential test will be applied rigorously across North Norfolk and most new development should be located in Flood Risk Zone 1.

The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. This applies a sequential approach, to steer new development to areas with the lowest risk of flooding from any source, taking advice from the Environment Agency and Lead Local Flood Authorities to ensure that risks of flooding are adequately managed, whilst also accounting for future climate change.

As the site lies within Flood Zone 1, which is the lowest risk of flooding, the proposed development raises no concerns in this respect.

Surface water and foul drainage

CS Policy EN 10 states that appropriate surface water drainage arrangements for dealing with surface water runoff from new development will be required. The use of Sustainable Drainage Systems will be the preference unless, following an adequate assessment, soil conditions and / or engineering feasibility dictate otherwise.

The Planning Practice Guidance (PPG) details what sort of sustainable drainage system should be considered. Generally, the aim should be to discharge surface run-off as high up the following hierarchy of drainage options as reasonably practicable. This is 1) Into the ground (infiltration); 2) To a surface water body; 3) To a surface water sewer, highway drain or another drainage system; 4) To a combined sewer. This hierarchy follows the same order of priority of Approved Document H3 of the Building Regulations.

Given the scale of development, it is considered that the minor water displacement from the proposed treehouses would percolate naturally into the ground.

The PPG outlines a hierarchy for foul drainage, prioritising connection to the main sewer. Where this is not feasible, alternatives such as package treatment plant or septic tank may be considered. The application has proposed the use of a cesspit, supported by a Drainage Strategy from a Consulting Engineer confirming the absence of a local sewer infrastructure. Given the sites rural and woodland setting, proximity to protected sites and lack of suitable discharge outlets, the strategy concludes that a cesspit – though the least preferable option, is stated to be the only practical solution.

Subject to confirming there are no unresolved issues in respect to the drainage hierarchy, it is considered that foul drainage could be controlled by planning condition if permission were to be granted.

8. Environmental Considerations

CS Policy EN 13 states that all developments should minimise, and where possible reduce, all emissions and other forms of pollution and ensure no deterioration in water quality.

The Environmental Health team raise no objection subject to conditions, restricting the treehouses to holiday use only and agreeing recycling and waste collections which can be

treated by way of planning conditions.

Subject to the imposition of the relevant conditions the proposal is considered to be compliant with CS Policy EN 13 and Chapter 15 of the NPPF.

Other Material Considerations

Fire Safety

The Norfolk Fire Service raised no objection to the scheme subject to the following key safety measures; meeting Building Regulations, procedures and process to ensure - protection from woodland fires, emergency procedures (relating to BBQ's etc, testing mobile signals and escape procedures), site maintenance to avoid fire risk and a fire risk assessment.

In the event that planning permission were granted, It is considered that fire safety matters could be agreed by planning condition.

Planning balance and conclusion

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

As presented, the proposed development is considered to conflict with CS Policy EC 7. This policy seeks to ensure that tourism related development in rural areas is sustainable and appropriately located. The proposal involves the creation of new build, un-serviced holiday accommodation in the open countryside. In accordance with CS Policy EC7, such developments are to be treated as if they were permanent residential dwellings. As such, they are not permitted in locations where permanent housing would not be acceptable, particularly where there is no access to essential infrastructure or services

There is further concern relating to the sustainability of the site's location. The development is situated in an isolated countryside setting, where access to services and facilities is limited and future users would be heavily reliant on private vehicles. This level of car dependency is inconsistent with the principles of sustainable development promoted by both the CS and the NPPF.

The proposal to cease commercial woodland forestry operations in favour of conservation is tied to the income generated by the treehouses, in order to support the delivery of the Woodland Management Plan. Whilst this is positive, it is acknowledged that the woodland already holds biodiversity value and could remain commercially viable without development. It is acknowledged that the current scheme reflects lessons learned through the earlier application, addressing concerns around design, namely lighting and glazing. However, impacts on the woodlands nocturnal character and ecological sensitivity will increase over time as visitor numbers grow.

The proposal offers economic and sustainability benefits, including those of renewable energy and a distinctive architectural approach, which weigh positively in its favour. These elements contribute to the diversification to the local tourism offer and support low carbon development principles. However, the biodiversity enhancements largely relate to the previously approved scheme, (PF/21/3458) and therefore carries limited additional weight in this assessment (it would not be reasonable to double count the biodiversity net gain associated with the previously approved scheme). While the proposal aligns with some national and local policy objectives, it also presents clear conflict with CS Policy SS 1, SS 2, EC 7 and CT 5 and paragraphs 110 and 117 of the NPPF.

The applicant refers in their design and access statement that "...a total of 14 treehouses have been outlined in the application PF/21/3458, with these four treehouses being established in the second phase of construction and bringing the total up to six treehouses". Committee need to be absolutely clear that there is no planning permission for 14 treehouses, only two have been granted so far. In considering this proposal, Officer advice is that the proposal before you should be considered on its own merits assessed against relevant Development Plan policy and having regard to any relevant material planning considerations. Whilst the two tree houses approved under application PF/21/3458 provide some context in relation to the way the Planning Committee at that time assessed that particular proposal and weighed material considerations in favour, that decision on its own does not automatically mean that a scheme for a further four units should also be approved contrary to the development plan. The proposal represents a clear departure from the Development Plan and policies in the Emerging Plan would unlikely lead to a material different recommendation.

Therefore, whilst the benefits of the scheme are acknowledged they are not considered sufficient to demonstrably outweigh the identified policy conflicts.

RECOMMENDATION:

REFUSE for the reasons outlined below

- **Policy EC 7 states that proposals for new un-serviced holiday accommodation in the countryside will be treated as though they are permanent residential dwellings and will not be permitted. The site lies within the countryside as designated within Policy SS 1 of the Core Strategy and the proposed four houses would be fully self-contained and therefore un-serviced, the proposal therefore fails to comply with Policy EC 7 of the North Norfolk Core Strategy.**
- **It is considered that the proposal is remote from local service centre provision conflicting with the aims of sustainable development, the need to minimise travel, and the ability to encourage walking, cycling, use of public transport and reduce the reliance on the private car. The proposals fail to comply with Policy CT 5 of the adopted Core Strategy and Policy EC7. The proposed development would therefore conflict with Policy, EC 7 and paragraphs 110 and 117 of the NPPF.**

Final wording of the reasons for refusal to be delegated to the Assistant Director of Planning.

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STALHAM - PF/24/2338 - Change of use from dwellinghouse (Class C3) to holiday let (no specified use class) including upgrade of an existing access surface and installation of a tennis court (retrospective) at Sutton Hall, Hall Road, Sutton

Minor Development

Target Date: 21.1.25

Extension of time: 30. 6.2025

Case Officer: Phillip Rowson

Full Planning Permission

RELEVANT SITE CONSTRAINTS:

Countryside LDF designation

Landscape Character Assessment - Settled Farmland

Agricultural Land Classification - Agricultural Land: Grade 1

EA Risk Surface Water Flooding 1 in 30

Public Right of Way - Sutton FP4

Nutrient Neutrality Zone

The site falls within multiple GIRAMS Zones of Influence.

RELEVANT PLANNING HISTORY:

ENF/24/0069 – Creation of a new access, change of use of the venue for weddings and holiday let and the creation of hard standing.

CL/24/1328

Certificate of lawfulness for existing use of dwelling as holiday let accommodation (Refused)

IS2/24/0219

Proposed change of use to holiday let and wedding/events venue (Advice given)

HN/24/0206

Notification of intention to erect an 8.0 metre Single Storey Extension to Rear of Property, (refused – proposal not considered permitted development).

PF/23/1546

Conversion of barn to dwelling (withdrawn).

HN/15/1319

Notification of intention to erect single-storey rear extension which would project from the original rear wall by 5.1 metres, which would have a maximum height of 3.34 metres and an eaves height of 2.3 metres (refused – planning permission required)

PF/11/0585

Conversion of outbuilding to one unit of holiday accommodation (extension of period of commencement of planning permission reference 08/0513) (Approved)

PF/08/0513

Conversion of outbuilding to one unit of holiday accommodation (Approved)

PF/06/1880

Glazed Attrium (Approved)

THE APPLICATION & BACKGROUND

The application was submitted because of an enforcement investigation (ENF/24/0069) and agreement to apply for permission to regularise use of Sutton Hall as a short-term holiday letting business following refusal of a certificate of lawfulness for the existing use holiday let use of the dwelling (CL/24/1328). The application also seeks to retain operational development for an upgraded access, and tennis court.

The enforcement case remains open pending an outcome from this application.

Although a local planning authority may invite an application, it cannot be assumed that permission will be granted, further that the local planning authority will take care not to fetter its discretion prior to the determination of any application for planning permission – such an application must be considered without prejudice on its material planning merit, in the normal way.

Prior engagement with the applicant under the formal pre application advice issued under IS2/24/0219 for the proposed change of use to holiday let and wedding/events venue took place.

The applicant has been requested to clarify if the proposals will include wedding and event use, in the current proposal for Sutton Hall. The applicant has not included these uses or adjacent land in this application. Further, the applicant has chosen to not accept conditional control over the use of land immediately adjoining the application site. Rather the applicant has confirmed that they wish to assert alleged permitted development rights for temporary use of land for up to 28 days for Weddings and Events.

Officers consider that the wedding & events activities are operationally dependent on the use of Sutton Hall. Legal opinion has confirmed that the balance of probability is currently that planning permission will be required for the adjacent wedding and events use. This matter is currently subject to investigation and will stand apart from consideration of the current application for the short-term letting of the Hall as overnight accommodation. Any in combination effects arising from the adjacent land use will be considered as a separate issue under any subsequent application.

REASONS FOR REFERRAL TO COMMITTEE:

At the request of Local Ward Cllrs (Cllr Matthew Taylor and Cllr Kevin Bayes) for the following reasons:

As Sutton's District Councillors, we write to formally object to the retrospective planning application submitted by Sutton Hall Escapes Ltd. The proposed change of use from a residential dwelling (Class C3) to a holiday let raises significant concerns for the local community.

The operation of Sutton Hall as a holiday let catering to up to 12 guests has introduced increased traffic, noise, and disruption in what is otherwise a peaceful rural setting. Whilst the applicants assert their guests comply with house rules and noise policies, the presence of transient visitors, particularly groups for weekend stays, has altered the character of the area. Residents have expressed concerns about loud gatherings, amplified by the inclusion of amenities.

The increase in vehicle movements associated with guests and their support teams places additional stress on the local road infrastructure, which is ill-suited to accommodate such

activity. Despite claims of only 2-4 vehicles per stay, anecdotal evidence from residents suggests higher volumes, particularly during peak times. This creates safety concerns for other road users and places a greater burden on the existing infrastructure.

The site's location within The Broads Nutrient Neutrality Catchment raises questions about the adequacy of the measures in place to ensure nutrient neutrality. While the applicant claims no additional overnight accommodation is being created, the commercial use of the property introduces a higher intensity of use, potentially impacting local biodiversity and water quality. We have already discussed with enforcement the noted affect on local owl populations, which have ceased to use the boxes in the air since the lighting of Sutton Mill, also understood to be owned by the applicant. Of course, this doesn't directly factor into this application but should be noted as part of the wider context of the site.

Granting permission for this retrospective application sets an undesirable precedent for others to operate commercial ventures in residential areas without prior approval. The lack of enforcement during the operation since January 2024 undermines trust in the planning process and raises fairness issues for those who comply with regulations.

We believe local residents have not been adequately consulted about the impacts of this change of use. Their lived experiences and concerns must be given greater weight in the planning process. It is also disappointing to us that we have not been contacted by the applicant throughout this process.

In conclusion, we strongly urge the council to refuse this application on the grounds of its adverse impact on the local community, infrastructure, and environment.

Call in to Development Committee in event of recommendation for approval.

REPRESENTATIONS:

14 representations have been made **objecting** to this application, raising the following points (summarised):

- Policy – countryside location fails to comply with relevant policies.
- Highways – narrow single track road network, increased traffic will lead to conflicts between vehicle users, riders, cyclists and walkers, flawed Transport Assessment.
- Noise – intensification of use, ineffective / unenforceable noise management plan.
- Amenity – intensification of use creating nuisance from noise, additional vehicle flows and associated loss of amenity, contrary to Article 8 Human Rights.
- Light – greater light pollution, impacting on amenity and protected species.
- Ecology – Adverse impacts from nuisance associated with use on bats, owls and woodpeckers, discrepancies in ecological report.
- Landscape – adverse impacts from installation of tennis court and access track.
- Retrospective proposals, repeated breaches for unauthorised and ongoing short-term holiday letting, a wedding event.
- No benefits to the local community.
- The development is not appropriate in scale and nature to its location and the tennis court and maintenance track would have a harmful urbanising impact in this rural location.

CONSULTATIONS:

Sutton Parish Council: Objection

18.12.24

You will have noted that the following planning applications have already been objected to by this council and refused by your planning committee.

IS/24/0129 - Proposed change of use to holiday let and wedding/events venue.

CL/24/1328 - Certificate of Lawfulness.

It is therefore incredulous to see a further application that seeks to supersede the previous applications and disregard most of the pre-application advice. If the application is agreed, it will be evidence that the Norfolk Planning Policy does not have to be adhered to.

Enforcement actions have been taken and yet the applicant held a large wedding function in September 2024. This was covered by a temporary events license notifying one resident, with a handwritten just a barely legible note on the eve of the function. This event was followed by media posts confirming the size and scale of the wedding and overnight guests. It would appear guests also arrived by helicopter. We understand a number of these temporary permits are available to the applicant within a year and so assume their ambitions are much bigger.

The evidence shows us they offer large events and able to accommodate at least 150 people for three nights. This does affect the safety of our residents. The roads are narrow, and we do not have street lighting. A road safety review in 2024 has already acknowledged the risks we currently live with.

Action has been requested because The Hall has installed multiple lighting areas within the grounds, lighting up trees and the house. This has caused interference with a light pollution free environment and affected the nesting and movement of wild birds and bats including the local barn owl community.

It is also disappointing to hear that the agents of the hall have delivered inaccurate information to residents over the past year. And yet, despite advice given by NNDC and invitation from the Parish Council, representatives have not felt the need to communicate with us in the local community. The local community enjoys their peaceful rural existence and yet a business from outside of Norfolk can change or remove this enjoyment solely for their own for profit. That profit brings nothing back to the local or wider community.

We sincerely hope this application will be refused but if that is not your intention, we would wish at the least it is submitted to your development committee for approval. This would allow the community to be heard and confirm NNDC is supporting their taxpayers.

18.6.25:

Retain objection

- *Principle – disregard refusal certificate of lawfulness, permission for holiday letting is required.*
- *Noise – noise report ignores concern of Parish Council, not just holiday use includes corporate / group meetings / weddings.*
- *Light Pollution*
- *Dark sky zone, Hall lit up like a Christmas tree, adapt tennis court for other sports, hours restrictions*
- *Ecology – large buildings without permission, no car parking shown*
- *Nutrient neutrality - Only ensuite bathrooms/toilet, where do extra guests go as no separate toilets are shown on house plans.*
- *Transport*
- *Single track Road few passing places, conflicts arise, Use large vehicles for deliveries.*
**They said they have parking for 6+ cars more like 25+ Agents reference to 2 appeals that are not traceable. Occupancy patten mostly weekend/ school holidays. Roads are all busy at this time*

- of year, hall situated in an agricultural area so lots of farm traffic to cope with as well. Visibility on the road very poor in the summer as hedgerows are quite high would not see dog walker, hikers doing the weavers way walk and we have quite a few horse riders around.
- of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.
- Landscape – Tennis Court no plans, outside noise.
- Third party representations – all objections, already held a wedding, corporate events. they will do what they want regardless
- Tourism benefits are limited.
- Fallback Position spurious as rely on using the Hall.
- Planning balance negative with unenforceable conditions

We stand by our first letter and wish to add this follow-up letter to be taken into consideration. We would also like to add the use of this application is not suitable for our rural village resulting in harm to neighbouring residential amenities and compromises highway safety and noise . The principle of the change of use is at odds with both existing and emerging local policy. The tennis court and maintenance track would have a harmful urbanising impact in this rural village location.

We already have 12 high end and 30+ medium to low end bed and breakfast within 14 mile radius of Sutton village which we think is plenty.

We have a lot of retired residents with dogs that walk these road and lanes, hikers walking Weaver's way plus horse riders and cyclists.

We worry about Road safety for residents that use the village roads/ lanes as most of the village is without footpaths or lighting in more rural roads/lanes have steep sides or ditches so not easy to get out of the way of traffic quickly.

Highways (NCC): No objection

Initial response:

The Highway Authority would not wish to restrict the grant of permission. If minded to approve the application recommend condition requiring access / parking and turning areas to be laid out in accordance with the submitted plan.

British Pipeline Agency: Advice

The pipeline is not affected by these proposals, and therefore BPA does not wish to make any comments on this application.

Environmental Protection (NNDC) : Advice

Environmental Health has considered the above referenced planning application, and recommends planning conditions for external lighting, and compliance with Noise Management Plan to be applied if planning consent should be granted.

Landscape (NNDC) : Advice

Ecology:

The application is supported by an Ecological Assessment (EcIA) prepared by David Watts Associates Ltd, dated 15/11/2024. The Landscape section is satisfied with the ecological information provided and holds no objection on ecological grounds.

Biodiversity net gain:

The Landscape section is satisfied with the information presented and can agree the baseline calculations.

Nutrient neutrality:

We do not need to request a Nutrient Neutrality budget calculator where we are satisfied there would not be an increase in overnight accommodation. The proposal does not increase the number of bed spaces and is not captured by Nutrient Neutrality advice. Recommend a condition to maximum number of bedspaces, to ensure that if there is subsequently an increase in the number of bed spaces then mitigation will be required.

Trees:

The application is supported by arboricultural information from DWA ecology dated 15 November 2024, the report sets out trees have been removed prior to assessments being made. Additional evidence has been supplied no objections are now raised.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

LOCAL FINANCE CONSIDERATIONS

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are not considered to be material to this case.

RELEVANT POLICIES:

North Norfolk Core Strategy (September 2008):

Policy SS 1 (Spatial Strategy for North Norfolk)

Policy SS 2 (Development in the Countryside)

Policy SS 4 (Environment)

Policy SS 6 (Access and Infrastructure)

Policy EN 2 (Protection and Enhancement of Landscape and Settlement Character)

Policy EN 4 (Design)

Policy EN 6 (Sustainable Construction and Energy Efficiency)

Policy EN 8 (Protecting and Enhancing the Historic Environment)

Policy EN 9 (Biodiversity and Geology)

Policy EN 10 (Development and Flood Risk)

Policy EN 13 (Pollution and Hazard Prevention and Minimisation)

Policy EC2 (The Re-Use of buildings in the countryside)

Policy EC 7 (The Location of New Tourism Development)

Policy CT 5 (The Transport Impact of New Development)

Policy CT 6 (Parking Provision)

Material considerations

National Planning Policy Framework (NPPF):

Chapter 2 – Achieving Sustainable Development

Chapter 6 – Building a Strong, Competitive Economy

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving Well-Designed and Beautiful Places

Chapter 15 – Conserving and Enhancing the Natural Environment

North Norfolk Emerging Local Plan

The Council's Emerging Local Plan was subject to a further round of examination in April 2025 and, following receipt of the Inspector's letter dated 08 May 2025, subject to completion of required Main Modifications, six-week public consultation and completion of any additional modifications, the plan is expected to be found sound and adopted in Autumn 2025. At this stage, whilst the Emerging Local Plan is capable of attracting some weight for decision making purposes, this would be considered "limited" at this stage and, in any event, there are no specific proposed new policies that would lead to a materially different planning outcome than the policies within the existing Core Strategy documents.

Supplementary Planning Documents:

North Norfolk Landscape Character Assessment (2021)

OFFICER ASSESSMENT:**Main issues for consideration:**

1. Principle of development
2. Noise and light pollution
3. Highways and Parking
4. Landscape & Ecology
5. Other matters
6. Conclusion & Planning Balance

1. Principle of Development

Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

In this case the development plan for the area still includes the North Norfolk Local Development Framework Core Strategy and the Site Allocations Development Plan Document. The emerging North Norfolk Local Plan has been subject to two rounds of examination. However, at the current time, only limited weight can be afforded to the policies of the emerging plan.

At a National level, the National Planning Policy Framework 2024 (NPPF) constitutes guidance which the LPA must have regard to. The NPPF does not change the statutory status of the development plan as the starting point for decision making but is a material consideration in any subsequent determination.

Adopted plan policy:

The spatial strategy for North Norfolk is set out within Core Strategy Policy SS 1. This states that most of the new development within the district will take place in the towns and larger villages dependent on their local housing needs, their role as employment, retail and service centres and environmental and infrastructure constraints. The policy lists principle and

secondary settlements as well as service and coastal service villages. The rest of North Norfolk is designated as 'Countryside' and development in the Countryside will be restricted to types of development to support the rural economy, meet affordable housing needs and provide renewable energy.

The application site is within designated Countryside, Policy SS 2 directs that development is limited to that which essentially requires a Countryside location. The policy sets out qualifying criteria for development that will be considered in such locations. The proposed change of use involves re-use and adaptation of buildings for purposes to support tourism and leisure uses. The relevant detailed policy considerations are detailed at policy EC 2 The Re-use of Buildings in the Countryside and policy EC 7 The Location of New Tourism Development.

Policy EC 2 supports re use of buildings in the countryside subject to three criteria:

- the re-use must be appropriate in scale and nature to the location.
- it can be demonstrated that the building is soundly built and suitable for the proposed use without substantial rebuilding or extension and the proposed alterations protect or enhance the character of the building and its setting.
- the proposal is in accordance with other policies seeking to protect biodiversity, amenity and character of the area.

Policy EC 7 enables tourism use within the Service Villages, Coastal Service Villages and the Countryside for new tourist accommodation and attractions in conjunction with other policies for Employment Areas, the Re-use of Buildings in the Countryside.

Emerging Plan policy:

Officers note that the general settlement hierarchy as set out in Emerging Policy SS 1 is supported by the Inspector but can only be given limited weight, as the suggested main modification changes are extensive on this Policy. The consequent guidance relating to development in the Countryside for new tourism accommodation under Policies HOU 7 & E 6 follow adopt plan policy principles in any event.

The re-use of buildings for tourism development at the application site would be supported in land use principle as detailed in adopted plan Policies SS 1 & SS 2. The proposals will require measured assessment under adopted policy EC 2 & EC 7 regarding appropriate scale and nature, and compliance with other technical policies covering amongst other matters amenity (EN 13) and biodiversity (EN 9). These issues will be considered within the body of this report.

2. Noise and light pollution

Core Strategy Policy EN 13 Pollution and Hazard Prevention and Minimisation sets out that proposals should minimise, and where possible reduce, all emissions and other forms of pollution, including light and noise pollution. Development should not unacceptably impact on the natural environment and general amenity.

Para 198 of the NPPF follows EN 13 and includes consideration of light pollution, requiring that development

- mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
- identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*

- c) *limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*

Noise

The applicant has commissioned a consultant to undertake a noise assessment to support the application. Officers note that the report relates to short-term letting and fails to consider potential wider in-combination effects associated with the immediately adjacent weddings and events use. However, this issue will be addressed under separate consideration via planning application / enforcement investigation. This application will be addressed on its merits as a proposal for short-term letting holiday purposes.

The applicant's report provides an assessment of the noise levels that may arise during short-term holiday lets. This includes consideration of the likely audibility of different types of noise, and the potential resulting impact on nearby dwellings. Noise sources are identified as:

- Guests talking in internal and external areas.
- Amplified music in internal areas only; and
- Sound from guests using the proposed new tennis court

Noise was surveyed at the nearest noise sensitive receptor (Sutton Hall Barn), background noise levels were established and a noise model created which reflects the above noise sources for the nearest dwellings. The report finds that:

- *Noise from tennis is likely to be inaudible outside all noise-sensitive receptors most of the time during daytime hours, but is likely to become slightly more after 19:00 hrs. However, the absolute noise levels generated by the tennis court would still be much quieter than the noise from traffic and/or other existing sources.*
- *Noise levels at the nearest noise-sensitive receptors from guests congregating in external areas depends on the location, the number of guests, and the behaviour (as defined here in terms of the speech effort level) of the guests.*
 1. *Expect 'normal' and 'raised' voices on the patio to the south of the hall to be mostly inaudible at the nearest dwellings during the daytime but may become slightly more audible after 21:00 hrs as the ambient and background sound levels reduce. 'Loud' voices are likely to be more audible at times throughout the day, and very likely to be audible after 21:00 hrs. However, absolute noise levels would still be much quieter than the noise from existing sources.*
 2. *Expect 'normal' and 'raised' voices in the walled garden to sometimes be audible in the day and to be more clearly audible during the evening, particularly after 21:00 hrs (note: the walled garden would not be permitted to be used after 21:00 hrs). 'Loud' voices in the walled garden would not be permitted.*
- *Elevated music noise levels inside the hall with windows and doors open likely to be audible at the nearest noise-sensitive receptor at any time of day, again the absolute noise levels would still be much lower than those from road traffic.*
- *Elevated music noise levels inside the hall with windows and doors closed are likely to be inaudible at all receptors up to 21:00 hrs. From 21:00-23:00 hrs, music may at times be audible, and from 23:00-04:00 hrs music noise would be likely to be much more clearly audible. Absolute noise levels at any time would be lower than the prevailing road traffic noise*

The report goes on to consider noise levels in combination with guest activities, i.e. with guests being split into different areas carrying out different activities simultaneously. The report

finds that there will be times when some noise from guests at Sutton Hall would be audible outside the nearest residential dwellings, particularly in garden areas. Noise impact can be managed to mitigate potential adverse noise impacts, particularly during quieter periods where the potential for adverse impact would be greater.

The proposed Noise Management Plan (NMP) seeks to mitigate disturbance arising from the short-term letting use, it proposes that:

- Tennis court will only be permitted to be used between 07:00-21:00 hrs.
- External gatherings - walled garden and other outdoor areas close to noise-sensitive receptors will not be permitted after 21:00 hrs. Guests will be advised as to the sensitivity of this area. No restrictions for external south facing patio area, guests advised to keep noise to minimum after 11:30. Signage to be used to emphasise noise limitations.
- Music - Amplified music will only be permitted inside the hall (kitchen and orangery are intended for this). A dedicated sound system will be installed for this. Guests will not be permitted to bring their own sound systems, speakers, or instruments. Windows and doors are to be kept closed whilst music is playing. The sound system will incorporate a tamper-proof line-driven music limiter device to automatically control music levels. This will monitor input signals to the amplifiers and automatically reduce the output level if a set threshold level is exceeded. The limiter will not allow levels above 88dB(A) at any time but will also reduce noise levels automatically at quieter background noise times. The music system would be subject to a commission process to ensure noise levels achieve confirmed mitigation levels.
- The complaints procedure is outlined with points of contact for complainants, details of a complaints log to be maintained, and complaints to be managed by the responsible person. The complaints process would be reliant upon enforcement via planning conditions and where appropriate the Environmental Protection Act (1990).

Objectors have raised concerns over the impacts from the ongoing short-term letting use and the increased noise nuisance from the proposed use by virtue of the perceived intensification of use associated with the proposed holiday letting. Noise from the movement of vehicles is also cited as a source of noise that has not been accounted for within the acoustician's report. Finally, the NMP is criticised and considered by objectors as being unenforceable.

The submitted noise report was reviewed by Environmental Protection Officers (EPO), as then proposed (solely for short-term letting) at that time the report was considered and officers found that the NMP was appropriate and enforceable.

Officers have noted the concerns of third-party representations relating to noise pollution, arising from expectations of the proposals for short-term letting and the breaches associated with events which have taken place on the adjacent land. The concerns arising from the proposed short-term letting are understandable given the current low level of nuisance associated with the rural location of Sutton Hall. The applicants noise survey notes low background levels which should be respected under any NMP. Officers consider that the NMP is appropriate in terms of suitable enforceable controls for impacts arising from short-term letting. It is not exceptional for Noise Management Plans to be conditioned where low background noise levels exist, and new uses (Agents of Change) are disruptive / impactful.

Lighting:

There is no lighting report to support this application, the proposals are within a dark sky countryside location. Objections have been received in relation to impacts from light pollution relating to the unauthorised use. Officers recommend that mitigation and control can be delivered by an appropriately worded condition which will limit any pollution arising from the

proposed use. The condition will require submission of a lighting scheme with suitable installation (where required removal) within a specified number of days following the approval of planning permission.

The proposals can then be mitigated and controlled within expected dark sky levels to meet adopted Policy EN13 & Para 198 of the NPPF.

The applicant seeks to ring fence planning consideration solely for the proposed short-term letting use. The question for the decision maker is “*whether the use is acceptable, or can it be made acceptable via mitigation modelled to ameliorate the harm that arises from the change of use*”.

Officers consider that the applicant has demonstrated that the harm arising in terms of noise from the proposals can be mitigated to offset impacts on amenity in this sensitive location. Lighting impacts can be controlled by a suitably worded planning condition.

The proposals are considered compliant with adopted policy EN 13 and para 198 of the NPPF.

3. Highways and Parking

As a remote location which intends to service a new short term holiday letting business then Policy CT 5 (The Transport Impact of New Development) is a material consideration. This sets out that proposals shall provide safe and convenient access on foot, cycle, public and private transport inclusive of those with a disability. The proposals shall; be served via a safe highway network with detriment to the character or amenity of the locality. The expected nature and volume of traffic generated by the proposal should be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety.

Policy CT 6 requires adequate vehicle parking facilities will be provided by the developer to serve the needs of the proposed development. Development proposals should make provision for vehicle and cycle parking in accordance with the Council's parking standards, including provision for parking for people with disabilities. Annex C to the local plan details requirements in terms of parking for proposed uses.

The proposal is supported by a transport statement which relates solely to the short-term letting use, being “*a typical Airbnb style holiday let accommodation serving up to 12 guests.*” The transport statement should be read in conjunction with the Existing Access Appraisal drawing reference 23493 01 (gated access to east) as well as the further accompanying planning drawings and documents which accompany this planning application.

The report confirms that the geometry of the existing access to the east of the Hall meets the requirements of Norfolk County Council Highways and offers an acceptable visibility. It is this access which will serve as the entrance for short-term letting customers staying at the hall.

The proposals include creation of an upgrade of an existing access to the west of the hall. The western access is proposed as a “secondary maintenance only access” to the short-term letting use. The applicant states that the access has been upgraded in terms of its surfacing to enhance the appearance of the property and to aid access for the various maintenance, landscaping and agricultural vehicles associated with the general upkeep of the overall property. It can also be noted that this existing ‘secondary’ access serves the applicant’s ‘blue land’ to the rear of Sutton Hall.

An existing vehicular access to the north of the Hall is proposed to be closed off and may present betterment in terms of proliferation of access / highway safety.

The applicant considers that:

“traffic generation in relation to the proposed change of use is very similar to that of an existing Class C3 residential dwelling use. The generally accepted traffic generation figure for a single dwelling is 6 no. vehicle movements for 24 hours. This is considered low when considering a property the size of Sutton Hall. The letting use does not typically comprise of regular traffic movements during each day, given there are frequent periods of time between lettings where occupation levels are considerably below that of a typical residential dwelling”.

The applicant's report concludes that the proposed development of this scale and location where can be regarded as acceptable in highway safety terms. Traffic generation is limited in relation to a low-key operational holiday let use.

NCC Highways would not wish to restrict the grant of permission for short-term letting subject to imposition of a condition requiring that access and parking shall be laid out in accordance with the supporting plan.

Objectors have raised concerns relating to the narrow single track road network, potential for increased conflicts between vehicle users, riders, cyclists and walkers. There is concern that the transport assessment is flawed, under-playing the extent of the change or potential intensive nature of flows associated with the use.

Officers consider that the control of numbers visiting the letting use and servicing the use will ensure that the nature of the use is lower key and more comparable to activities that would otherwise be associated with a large dwelling. It is acknowledged that the narrow nature of the local network around the site is of concern. However, those concerns are again mitigated by the limitation to no more than 12 guests using the hall at any one time. Those controls along with the closing up of the existing access and provision of suitable parking spaces is considered to comply with adopted Policies CT 5 and CT 6.

4. Landscape & Ecology

Core Strategy Policy EN 2 states that proposals should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment and features identified in relevant settlement character studies. Development proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance eight defined criteria.

The hall is surrounded by mature tree planting, potential impacts on arboriculturally assets which are in proximity will need to be considered in any submission. These assets form part of the wider landscape and setting to the Hall. Officers are content that the proposals comply with policy EN 2.

The proposals include additional retrospective operational development, to resurface and improve an existing access to the west of the hall. The proposals also seek to include a tennis court in place of the former orchard. There is a less than substantial landscape impact from both proposals. Access tracks in the surrounding area have an agricultural and rustic character, they lack the formalised surfacing of the proposed access or its width. The tennis court is also retrospective but has progressed little further than a levelled gravelled space which has most recently been used for car parking. Both the “improved” access or tennis court

have negative landscape impacts, however those impacts are mitigated by the mature planting around the hall. The impacts are not considered so substantive as to justify refusal, particularly with suitable mitigation and completion of the proposed tennis court under agreed conditions.

Biodiversity Net Gain information, specifically the baseline calculations contained in the Metric, have been updated to reflect previous comments issued by the Landscape team regarding BNG. Officers are satisfied with the information presented and can agree the baseline calculations. Proposals to achieve a net gain of >10% habitat units remain viable.

The application is supported by an Ecological Assessment. The report considers the impacts to designated sites and protected species, in addition to outlining plans to achieve biodiversity gains on site. Due to the nature of the proposal, there is no requirement to undertake a bat survey of the buildings on site, however trees have been assessed for roosting potential.

The report states that the site has limited potential to support any other protected species, except for breeding birds. Officers are satisfied with the ecological information provided and holds no objection on ecological grounds.

As a result, the applicant has demonstrated that subject to conditional controls and mitigation that the proposals are compliant with policy EN 2 and Para 198 NPPF.

5. Other matters

Fallback Position

The applicant considers that the hall benefits from a fallback position relating to its current lawful use as a dwelling (C3 Use class). They suggest that the hall may be occupied as:

- Bed & breakfast accommodation,
- Use class 3(c), as a household of up to six people living together as a house in multiple occupancy,
- hosting informal parties or activities,

Officers are not in agreement that the hall and its gardens could be used for up to 28 days for temporary events (inclusive of temporary structures).

It is unclear as to what the applicant refers when they speak of informal parties and events, this would appear to be a matter of fact and degree as to the materiality of the parties / activities. Use as a bed & breakfast would again be coloured by matters of fact and degree. Little to no weight appears applicable under fallback to these elements.

The Council's position relating to use for short-term letting was defined under application CL/24/1328, planning permission is required, this decision has not been challenged by the applicant. The key consideration in this matter was materiality i.e., in this case where the activities and intensity of use materially changed the character of the hall. The expectation being that any permitted use such as bed & breakfast / hosting would not materially change the residential use.

On this basis consideration of a fallback position for the hall as a large family dwelling, there or as a home in multiple occupancy for up to six people may be appropriate. Members should also bear in mind that the fallback position to be a material consideration then there must be a realistic probability that the use will be brought forward if the current planning application

were to be refused.

For any of the uses to operate without planning permission that there would be a requirement that no material change is apparent. As such the fallback options would operate at a lesser scale and intensity than the current application proposes. As such the direct relevance of a less intensive use is of limited material weight in this matter. The proposed use operates at a scale and intensity which materially changes the use of the Hall and requires planning permission.

Tennis Court

The tennis court is located to the southwest of the hall on land beyond the historic curtilage of the hall. The land was formerly an orchard serving the hall. The tennis court appears unfinished with an uneven gravelled surface, and no catch fencing. The proposals plan shows further planting will be introduced to soften landscape impacts. The supporting plan notes no, lighting to be installed. This element arrives as a result of an ongoing enforcement investigation.

As a matter of land use principle an ancillary tennis court poses no concerns, the landscape impact of the court will be controlled by further conditions relating to a landscape planting, with no illumination. The Noise management Plan covers impacts and controls appropriately.

Subject to suitable conditions then the proposed Court will comply with relevant policy.

Proposed access

A Maintenance access is proposed to the northwest of the hall. The access is existing and appears to have historically served agricultural uses immediately adjacent to the hall. As such the proposals seek permission of resurfacing and improvement of the otherwise low-key access. The proposals arrive as a result the ongoing enforcement investigation.

Section 3 above discussed the matter of highway safety; no concerns are raised by NCC Highways officers on safety to the proposals. The access is surfaced in crushed stone, it is gated with tall metal gates and timber posts. Subject to gates being suitably set back from the highway then no objections are raised. The access will be for servicing purposes only for the short-term letting use.

Subject to suitable conditions then the proposed access will comply with relevant policy.

Planning Balance and Conclusion:

Concerns of residents and the Parish Council are noted. The remote location, limited capacity of the road network and quiet background noise levels are relevant material considerations to this application. However, the proposals are limited to being for short-term letting of 12 bedspaces. It is the incremental detriment arising from the intensification for short-term letting upon local amenity and highway safety that the application turns on. In addition, officers note that the application is supported by a noise management plan and can be mitigated further by conditions limiting illumination, access, parking and landscaping.

It is on this basis that Officers consider that the proposal would accord with the aims of Development Plan policies. The principle of development is supported by adopted strategic policies SS 1 and SS 2, material details required under policies EC 2 & EC 7 are either satisfied or can be suitably mitigated by condition.

RECOMMENDATION:

APPROVAL subject to conditions relating to the following matters:

- Development in accordance with approved plans
- No more than 12 guests
- Noise management plan
- Lighting scheme
- Precise details of the tennis court to be submitted (including fencing, surfacing)
- Close off Northern vehicular access
- Access / parking and turning areas to be laid out in accordance with the submitted plan

Final wording of conditions and any others considered necessary to be delegated to the Assistant Director – Planning

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Potter Heigham – RV/24/2059 – Change of use of agricultural land and part of building, including external alterations, to fitness studio and car park (retrospective) without complying with condition 2 (opening hours) of appeal decision APP/Y2620/W/19/3229508 (NNDC ref. PF/18/1298) in order to extend the opening hours from 0615 - 1930 Mondays to Fridays to 0600 - 2000 Mondays to Fridays and 0800 - 1200 Saturdays at Glebe Farm, Marsh Road, Potter Heigham, Great Yarmouth

Minor Development

- Target Date: 14th November 2024

Extension of time: N/A

Case Officer: Colin Reuben

Full Planning Permission

RELEVANT SITE CONSTRAINTS

In an area designated as Countryside (not within a settlement boundary)

Settled Farmland (Landscape Character Assessment)

Flood Zone 2

Flood Zone 3

Flood Zone 3B (Indicative)

SFRA Flood Warning Area

RELEVANT PLANNING HISTORY

RV/23/0760

Refused

Variation of condition 2 of appeal decision APP/Y2620/W/19/3229508 [NNDC ref. PF/18/1298] (Change of use of agricultural land and part of building, including external alterations, to fitness studio and car park (retrospective) in order to extend the opening hours from 06:15 - 19:30 Monday to Friday to 06:15 - 21:00 7 days a week

APP/Y2620/W/19/3229508

Appeal Allowed

Appeal for PF/18/1298 - Change of use of agricultural land and part of building, including external alterations, to fitness studio and car park (retrospective)

PF/18/1298

Refused

Change of use of agricultural land and part of building, including external alterations, to fitness studio and car park (retrospective)

THE APPLICATION

The application seeks to vary the imposed opening hours (Condition 2 of appeal decision APP/Y2620/W/19/3229508 (planning application ref: PF/18/1298) of a previously approved (at appeal) fitness studio/gym by adding an additional 30mins of use on weekdays until 20:00pm (from 19:30pm), and to allow opening on Saturday mornings between 08:00am and 12:00pm. The studio, which is now long established, is positioned within a former agricultural building

forming part of a larger site containing a number of former agricultural buildings along with the main farmhouse, with surrounding agricultural land to the north, east and west. The site is reached via an access point onto Marsh Road, with residential properties along the southern side of Marsh Road. The site is located on the outskirts of Potter Heigham, north of the A149 with the main village centre located towards the south-west.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr H Blathwayt – if permitted this would ‘go against’ the Planning Inspectors’ specified conditions. This is a retrospective application, and the extended hours have been proven to increase traffic on this quiet country lane to the detriment of residents’ quality of life.

PARISH/TOWN COUNCIL

Potter Heigham Parish Council: Objection, raising the following matters:

- Poses significant risk to highway safety
- Detrimental impact on the environment
- Intrusion on right to peaceful enjoyment by residents/visitors
- Marsh Road and Church Road are wholly unsuitable for any regular material increase in traffic during the week and at weekends, the condition of these roads has not changed. Road is used by pedestrians/horses/dog walkers/ramblers/birdwatchers
- Business is now run with four trainers
- Highways has objected to the expansion of the hours and usage of the gym significant, concerns regarding the characteristics of Marsh Road
- Increase in opening hours will exacerbate the levels of risk, both physical and environmental, to all residents of Marsh Road and Church Road, and to pedestrians
- Marsh Road is unlit with no footpaths, the problem is exacerbated in winter months
- Mental and physical health of gym users has been prioritised over the mental and physical wellbeing of residents

CONSULTATIONS

Environmental Health (NNDC): No objection subject to conditions controlling amplified vocals/music.

Norfolk County Council (Highways): No objection.

REPRESENTATIONS

To date, 2 public objections have been received raising the following concerns (summarised):

- Concerns regarding use of Marsh Road, which is narrow, by gym users in relation to speeding/unsafe driving and associated behaviour. Road is used by walkers/horses/dogs/disabled people/wildlife
- Traffic volume from gym has increased, no longer one to one sessions, more classes and instructors
- Concerns regarding operation of Glebe Farm/associated buildings historically

HUMAN RIGHTS IMPLICATIONS

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the above matters, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER

The application raises no significant crime and disorder issues.

EQUALITY AND DIVERSITY ISSUES

The application raises no significant equality and diversity issues.

LOCAL FINANCE CONSIDERATIONS

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application.

Local finance considerations are not considered to be material to this case.

RELEVANT POLICIES

North Norfolk Core Strategy (adopted September 2008)

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

EN 2 – Protection and enhancement of landscape and settlement character

EN 4 – Design

EN10 – Development and flood risk

EN 13 – Pollution and hazard prevention and minimisation

CT 5 – Transport impact of new development

CT 6 – Parking provision

Material Considerations:

National Planning Policy Framework (NPPF) (2024)

Chapter 4 – Decision-making

Chapter 6 – Building a strong, competitive economy

Chapter 8 – Promoting healthy and safe communities

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

North Norfolk Emerging Local Plan

The Council's Emerging Local Plan was subject to a further round of examination in April 2025 and, following receipt of the Inspector's letter dated 08 May 2025, subject to completion of required Main Modifications, six-week public consultation and completion of any additional

modifications, the plan is expected to be found sound and adopted in Autumn 2025. At this stage, whilst the Emerging Local Plan is capable of attracting some weight for decision making purposes, this would be considered “limited” at this stage and, in any event, there are no specific proposed new policies that would lead to a materially different planning outcome than the policies within the existing Core Strategy documents.

OFFICER ASSESSMENT

Main issues for consideration:

- 1. Principle of Development and Site History**
- 2. Residential Amenity**
- 3. Landscape Impact**
- 4. Flood Risk**
- 5. Highway Safety and Parking**
- 6. Other Material Considerations**

1. Principle of Development and Site History

The site comprises of a single storey building formerly used for agricultural purposes and now operating as a fitness studio/gym – this use was allowed at planning appeal (ref: APP/Y2620/W/19/3229508) following the Council’s refusal of planning application ref: PF/18/1898.

The appeal decision imposed two planning restrictions, the first of these being in regards to the approved plans, and the second of these restricting the hours of use of the gym – both conditions are listed below:

1) The development hereby permitted shall be carried out in accordance with the following approved plans: 7956 02 site location plan; 7956 03 elevations and plans.

2) The building subject of this approval shall be used as a fitness studio only and for no other purpose and shall not be open to customers outside the following times: 0615 – 1930 Mondays to Fridays.

The current application seeks to vary the imposed opening hours by adding an additional 30mins of use on weekdays until 20:00pm, and to allow opening on Saturday mornings between 08:00am and 12:00pm. As originally submitted, it was also proposed to extend the opening hours by an additional 15mins early morning (to 06:00) however the applicant agreed to remove this from the proposal.

The application does not propose any external alterations to the existing building and accordingly, there are no design considerations under Policy EN 4. The only matters for consideration under this application are the extended hours of use and any associated impacts, in particular relating to amenity and highway issues.

2. Residential Amenity

Policy EN 4 of the adopted Core Strategy is clear in stating that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. In addition,

Policy EN 13 requires all development proposals to minimise, and where possible reduce, pollution including noise pollution, with proposals only being permitted where they do not have an unacceptable impact on general amenity and the health and safety of the public

As stated above, the application proposes two amendments to the opening hours, the first of these being the addition of 30mins of use in the evening, up to 20:00pm. It is recognised that this may lead to a modest additional degree of use later into the evening, however, given the very limited extent of this additional use and the separation distance of the gym to the nearest properties on Marsh Road, it is considered that an extra 30mins of use at this time would not give rise to any significantly detrimental impact upon the amenity of neighbouring properties, no more so than the existing hours and certainly not to an extent that would warrant refusal of the application.

The second amendment is to allow the use of the gym on Saturday mornings between 8:00am and 12:00pm. This will represent a clear increase in use, with a likely associated increase in vehicular use of the site and Marsh Road (which is also discussed below). In terms of amenity, there may be additional noise and disturbance arising from this, however, the test is whether this would be to an extent that would be considered 'significantly detrimental'. In this respect, the hours proposed are not wholly unreasonable – although cars will be arriving before 8am, it is not considered that this would generate a level of activity/noise that could be considered as significantly detrimental, no more so than on a weekday at present, and is not wholly dissimilar to other rural roads that may have a mix of both residences and businesses, whilst further taking into account the former agricultural use of the site. Furthermore, the Council's Environmental Health Officer has no overriding objections subject to conditions limiting the use of amplified music.

Accordingly, on balance, Officers consider that it cannot reasonably be concluded that the proposed additional use would give rise to a significantly detrimental impact, in terms of noise and disturbance, upon the amenity of nearby residents. As such, subject to conditions, the proposed development complies with the requirements of Core Strategy Policies EN 4 and EN 13.

3. Landscape Impact

As stated above, no further external alterations are proposed to the building. This being the case, it is considered that the proposed variation would not give rise to any increased wider landscape impact. As such, the proposed development complies with Core Strategy Policy EN 2.

4. Flood Risk

The Planning Inspector has previously accepted the development in relation to flood risk. It is considered that the proposed extended hours of use would not raise any additional impacts in terms of flood risk to the site. Accordingly, the proposed development complies with Core Strategy Policy EN 10.

5. Highway Safety and Parking

Marsh Road, which serves the site, is single-track road with grass verging, no footpaths nor

formal passing places and a lack of lighting. It is recognised that the Highway Authority objected to the original application (ref: PF/18/1298) on highway safety grounds, citing the restricted width of Marsh Road and substandard surrounding road network, the potential likelihood of vehicles meeting and having to reverse/manoeuvre, and the potential for conflict with other vulnerable road users. This would be exacerbated by the increase in vehicular use of the road. However, the Planning Inspectorate disagreed, stating in paragraph 6 of the appeal decision, that "...the amount of additional traffic that this small fitness studio is likely to generate would not support a conclusion that this use is unacceptable on highway safety grounds". Furthermore, the Inspector concluded that there were insufficient grounds for the provision of 2no. off-site passing places along Marsh Road.

After an initial site visit concluded by the case officer for the current application, a further more recent site visit was conducted, at the request of the Parish Council, to further assess the level of traffic using Marsh Road as a result of the gym. This visit occurred early morning – it was observed that between 12-14 vehicles were heading towards, and leaving from, the direction of the gym during the time of the visit (though it cannot be certain whether these were all associated with the gym or whether some were residents), and it was noted that a couple of these vehicles did appear to be driving at speed. In addition, there is also evidence of wear and tear being caused to the grassed roadside verge. In line with residents' concerns, there is no dispute that the gym has increased vehicular use of Marsh Road, noting the frequency of classes and the possible increase in staffing numbers since the original appeal decision.

The current application, by extending the use to Saturdays, has the potential to result in further vehicular use of the road and thereby exacerbating the existing impacts. However, the impact would be arguably no different to the use on weekdays which has already been accepted by the previous Planning Inspector, except for perhaps a small increase in the potential for conflict between road users owing to being the weekend. Having been consulted on the current application, no objections have been raised by the Highway Authority.

The Local Planning Authority have to acknowledge that the use of Marsh Road may increase as a result of this application but, with no objection from the Highway Authority, and given the conclusion drawn by the previous Planning Inspector, it is considered that refusal of this application on highway safety grounds cannot be reasonably justified, although the concerns of local residents are noted.

The proposed variation would not require any further alterations to parking provision on site, nor are any proposed. Accordingly, the proposal complies with Policy CT 6.

On the basis of the above, Officers consider that the Local Planning Authority cannot reasonably refuse the application under Policy CT 5 based upon an additional 30mins of use in the evening, nor use on Saturday mornings.

Other Material Considerations

Concerns have been raised in regards to the growth and diversification of the gym since 2018, with more staff members/instructors and a wider range of fitness classes being offered (from what was initially proposed as a small women's only gym), including a potential class for children (as per the gym website), which objectors have argued significantly changes the considerations under this current application compared to what was proposed and allowed in 2018. However, on these matters, it is again reiterated that the Planning Inspector imposed

only two conditions – those relating to the approved plans and opening hours. This being the case, no restrictions were imposed either on staffing numbers, or on the type or number of classes on offer. It is therefore considered that there are insufficient grounds to add any significant weight towards refusing the application on these matters. This must also be weighed against the social and economic benefits of the business, noting that it has grown and adapted its offer to become successful and offer a service to the local community. Again, objectors consider that the needs of, and success of, the business are being prioritised over the health and wellbeing of nearby residents, but this is not the case – the Local Planning Authority must consider the application with all factors being weighed in the overall planning balance.

Furthermore, concerns have been raised in regards to driver behaviour relating to gym users. This is not a material planning consideration and beyond the control of the Local Planning Authority – this would be a matter for other authorities to investigate if necessary.

Finally, concerns in regards to the gradual creep of extended opening times are also noted, however, the Local Planning Authority can only consider the application before it and what may have occurred previously, but not what might happen in the future, although these concerns are of course understood.

Planning Balance and Conclusion

This is a finely balanced decision, taking into account the concerns raised by local residents and the Parish Council, consideration of the overall potential impacts of the increased use, as well as the benefits of the gym. It is considered that there may well be a modest increase in impact upon residential amenity and the use of Marsh Road and it is not contested that the nature of the gym use, regarding staffing numbers and class variety, may have changed/diversified since 2018. However, as stated above, no objections have been raised by either the Council's Environmental Health team or the Highway Authority. The potential additional impact upon amenity is not considered to be at a level that could be considered as significantly detrimental. In addition, it is considered that the increase in use of Marsh Road on Saturday mornings, given the previous Inspector's decision and with no highway objection, does not give sufficient enough reason to refuse the application on highway safety grounds. Finally, the benefits/success of the gym to the local community must be factored into the decision and are capable of attracting modest positive weight.

It is therefore concluded that, on balance, subject to conditions the proposed variation is considered to be acceptable and compliant with the relevant Development Plan policies as outlined above.

RECOMMENDATION:

APPROVAL subject to conditions relating to the following matters:

- Revised opening hours
- Restriction on amplified music externally

Final wording of conditions and any other considered necessary to be delegated to the Assistant Director – Planning

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WALSINGHAM – PF/25/1120 - Removal of degraded conservatory and erection of a single storey rear extension at Mill House, 5 Scarborough Road, Walsingham, Norfolk, NR22 6AB

Minor Development

Target Date: 24 July 2025

Extension of time: N/A

Case Officer: Miss Isobel McManus

Householder development

RELEVANT SITE CONSTRAINTS

In an area designated as countryside (not within a settlement boundary)

Within the Walsingham Conservation Area

Grade II Listed Building

RELEVANT PLANNING HISTORY

LA/25/1121	Pending Consideration Removal of degraded conservatory and erection of a single storey rear extension
LA/24/2551	Decided - Approve 23.01.2025 Construction of lightweight fire-resistant partition in ground floor
IS3/24/2393	Advice Given - Advice Given (for pre-apps) 05.12.2024 Erection of rear extension and associated alterations, Mill House, 5 Scarborough Road, Great Walsingham, NR22 6AB

THE APPLICATION

The site is occupied by a two-storey dwelling which is Grade II listed and situated within the Walsingham Conservation Area. The application site is accessed from Scarborough Road to the west. The site is adjoined by dwellings to the north, east and south, with Scarborough Road located to the west. The dwelling comprises red facing brick and red pantiles with white timber doors. This application proposes the removal of a degraded conservatory and the erection of a single storey rear extension.

REASONS FOR REFERRAL TO COMMITTEE

In the interests of transparency as the applicant is an elected ward councillor.

PARISH/TOWN COUNCIL

Walsingham Parish Council: No objection.

CONSULTATIONS

Conservation and Design (NNDC): No objection. No architectural or materials conditions requested under this particular reference. Instead, the matters of detail can be more appropriately agreed through the associated listed building consent.

REPRESENTATIONS

No representations were received following publicity via site notice in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

LOCAL FINANCE CONSIDERATIONS

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are not considered to be material to this case.

RELEVANT POLICIES

North Norfolk Core Strategy (2008)

Policy SS 1 – Spatial Strategy for North Norfolk

Policy SS 2 – Development in the Countryside

Policy EN 4 – Design

Policy EN 8 – Protecting and Enhancing the Historic Environment

Policy CT 5 – The transport impact of new development

Policy CT 6 – Parking Provision

Material Considerations:

The National Planning Policy Framework (NPPF) (December 2024)

Chapter 2 – Achieving Sustainable Development

Chapter 4 – Decision making

Chapter 12 – Achieving well-designed and beautiful places

North Norfolk Emerging Local Plan

The Council's Emerging Local Plan was subject to a further round of examination in April 2025 and, following receipt of the Inspector's letter dated 08 May 2025, subject to completion of required Main Modifications, six-week public consultation and completion of any additional modifications, the plan is expected to be found sound and adopted in Autumn 2025. At this stage, whilst the Emerging Local Plan is capable of attracting some weight for decision making purposes, this would be considered "limited" at this stage and, in any event, there are no specific proposed new policies that would lead to a materially different planning outcome than the policies within the existing Core Strategy documents.

Supplementary Planning Documents (SPD):

North Norfolk Design Guide SPD (December 2008)

OFFICER ASSESSEMENT

Main issues for consideration:

- 1. Principle of development**
- 2. Design and its effect on the character and appearance of the grade II listed building and conservation area**
- 3. Residential amenity**
- 4. Highway impact**

1. Principle of development

The application site is located in an area designated as countryside as defined under Policy SS 1 of the adopted North Norfolk Core Strategy (NNCS). Residential extensions are a type of development generally allowed in such locations according to NNCS Policy SS 2, provided they do not result in a scale of dwelling which is disproportionate to the original dwelling in line with the provisions of Policy HO 8.

It is considered that the proposal complies with the aforementioned policies and is acceptable in principle subject to compliance with all other relevant policies.

2. Design and its effect on the character and appearance of the grade II listed building and conservation area

Policy EN 4 of the NNCS amongst other matters requires all development to be designed to a high quality, reinforcing local distinctiveness, ensuring appropriate scale and massing, whilst having regard to the North Norfolk Design Guide.

Policy EN 8 of the NNCS states that development proposals, including alterations and extensions, should preserve or enhance the character and appearance of designated assets through high quality, sensitive design.

Paragraph 135 of the NPPF sets out that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local

character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities), amongst other things.

Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 (LBCA) states that with respect to any buildings or other land within a conservation area, in the exercise of relevant functions under the Planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

In this instance the whole site falls within the Walsingham Conservation Area and as such the statutory duty imposed by Section 72 is engaged.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) places a duty on Local Planning Authorities to have special regard to the desirability of preserving a Listed Building, or its setting, or any features of special architectural or historic interest it possesses. As noted above, not only do the works directly involve a grade II listed building, but there are also other listed buildings within close proximity to the site. Accordingly, new development proposals could impact upon their setting.

The proposal relates to the removal of a degraded conservatory and the erection of a single storey rear extension on the Grade II listed building. Officers acknowledge that the existing conservatory is of poor quality and the structure is of no particular age or significance. The removal of the structure therefore raises no objection.

The application proposes replacing the conservatory with a single storey flat roof extension to house a kitchen. The existing conservatory has a height to the eaves of approximately 2.15m, overall height of approximately 2.83m, overall width of approximately 6.35m and length of approximately 2.59m. The proposed extension has a height to the eaves of approximately 3.0m, overall height of approximately 3.20m, overall width of approximately 6.05m and length of approximately 4.45m.

By virtue of its scale, single storey form and rear location, this extension is considered subservient and compatible with the host dwelling. The scale and massing of the proposed extension raises no concerns regarding its appearance within the street scene. As such it would not result in a disproportionately large increase in the scale of the original dwelling.

Section 3.6 of the North Norfolk Design Guide (NNDG) states that extensions should use forms, detailing and materials which are compatible with the original building. Paragraph 3.6.2 of the NNDG states that “flat roof forms are not normally acceptable. However, in the case of small link or alcove extensions, they may be the only option. In such cases, the flat roof form can be disguised behind a parapet with a proper coping detail.”

In this specific case, to provide the required depth and footprint for the kitchen extension, a flat roof structure would avoid spoiling the first-floor windows on the rear elevation. Given the constraints of the enclosed location, Officers acknowledge that it would be difficult to propose a scheme of this depth with a natural, pitched roof. In this case, the flat roof extension would be disguised behind a parapet, and on balance given the guidance contained within para 3.6.2 of the NNDG is therefore considered acceptable. In addition, the councils Conservation and Design department have raised no objection subject to five specific conditions on the associated listed building consent (LA/25/1121).

Paragraph 212 of the National Planning Policy Framework (NPPF) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset the greater the weight should be). This is irrespective of whether any

potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 215 of the NPPF provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Officers consider that the loss of the existing poor quality conservatory and the erection of a replacement rear extension to provide a kitchen would contribute to securing the optimum viable use of the dwelling going forward into the future (a public benefit). These factors are considered sufficient to outweigh Officers concerns about the less than substantial harm resulting from the flat roof form and the loss of the two-ground floor late 19th sash windows. Accordingly, the scheme is considered to meet the requirements of Policy EN 4, EN 8 and HO 8 of the Adopted North Norfolk Core Strategy, Chapter 12 and 16 of the National Planning Policy Framework (December 2024) and the North Norfolk Design Guide.

3. Residential amenity

Policy EN 4 requires that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. Residents have the right to adequate privacy levels and to be kept free from excessive noise and unwanted social contact.

It is considered that the scheme would not have any significant impacts on the residential amenities of the occupants of neighbouring properties in terms of loss of privacy, light or disturbance. The fenestration of the proposal is also deemed acceptable.

For the reasons stated, it is considered that the proposed development would not have any significant harmful effects on the living conditions of the occupants of neighbouring properties and therefore complies with Policy EN 4 in this respect.

4. Highway impact

Policy CT 5 of the NNCS seeks to ensure that development proposals provide for safe and convenient access for all modes of transport, addressing the needs of all and safe access to the highway network without detriment to the amenity or character of the locality.

Policy CT 6 of the NNCS provides that “adequate vehicle parking facilities will be provided by the developer to serve the needs of the proposed development”.

The proposal is not anticipated to alter the existing parking provisions or increase the traffic demand to the site. It is therefore considered to comply with Policies CT 5 and CT 6.

Planning Balance and Conclusion

The development is considered to be in accordance with the requirements of the Development Plan. There are no material considerations that indicate the application should be determined otherwise. Approval is therefore recommended subject to conditions following conditions or any considered deemed necessary by the Head of Planning.

RECOMMENDATION:

APPROVAL subject to conditions relating to the following matters:

- Time limit
- Development in accordance with approved plans
- Materials (as set out in the application)

Final wording of conditions and any others considered necessary to be delegated to the Assistant Director – Planning

WALSINGHAM – LA/25/1121 - Removal of degraded conservatory and erection of a single storey rear extension at Mill House, 5 Scarborough Road, Walsingham, Norfolk, NR22 6AB

Minor Development

Target Date: 24 July 2025

Extension of time: N/A

Case Officer: Miss Isobel McManus

Householder development

RELEVANT SITE CONSTRAINTS

Within the Walsingham Conservation Area

Grade II Listed Building

RELEVANT PLANNING HISTORY

LA/25/1121	Pending Consideration Removal of degraded conservatory and erection of a single storey rear extension
LA/24/2551	Decided - Approve 23.01.2025 Construction of lightweight fire-resistant partition in ground floor
IS3/24/2393	Advice Given - Advice Given (for pre-apps) 05.12.2024 Erection of rear extension and associated alterations, Mill House, 5 Scarborough Road, Great Walsingham, NR22 6AB

THE APPLICATION

The site is occupied by a two-storey dwelling, which is Grade II listed and situated within the Walsingham Conservation Area. The application site is accessed from Scarborough Road to the west. The site is adjoined by dwellings to the north, east and south, with Scarborough Road located to the west. The dwelling comprises red facing brick and red pantiles with white timber doors. This application proposes the removal of a degraded conservatory and the erection of a single storey rear extension.

REASONS FOR REFERRAL TO COMMITTEE

In the interests of transparency as the applicant is an elected ward councillor.

PARISH/TOWN COUNCIL

Walsingham Parish Council: No comments received at time of writing report.

CONSULTATIONS

Conservation and Design (NNDC): **No objection** subject to conditions.

REPRESENTATIONS

No representations were received following publicity via site notice and advertisement in the local press in accordance with the requirements of the Listed Building and Conservation Areas Regulations 1990 (as amended).

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

LOCAL FINANCE CONSIDERATIONS

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are not considered to be material to this case.

RELEVANT POLICIES

North Norfolk Core Strategy (2008):

Policy EN 8 – Protecting and Enhancing the Historic Environment

Material Considerations:

The National Planning Policy Framework (NPPF) (December 2024)

Chapter 4 – Decision making

Chapter 16 – Conserving and Enhancing the Historic Environment

North Norfolk Emerging Local Plan

The Council's Emerging Local Plan was subject to a further round of examination in April 2025 and, following receipt of the Inspector's letter dated 08 May 2025, subject to completion of required Main Modifications, six-week public consultation and completion of any additional modifications, the plan is expected to be found sound and adopted in Autumn 2025. At this stage, whilst the Emerging Local Plan is capable of attracting some weight for decision making purposes, this would be considered "limited" at this stage and, in any event, there are no specific proposed new policies that would lead to a materially different planning outcome than the policies within the existing Core Strategy documents.

Supplementary Planning Documents (SPD):

North Norfolk Design Guide SPD (December 2008)

OFFICER ASSESSEMENT

Main issues for consideration:

1. Impact on the heritage asset

1. Impact on the heritage asset

Policy EN 8 of the North Norfolk Core Strategy (NNCS) states that Development proposals, including alterations and extensions, should preserve or enhance the character and appearance of designated assets through high quality, sensitive design.

Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 (LBCA) states that with respect to any buildings or other land within a conservation area, in the exercise of relevant functions under the Planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

In this instance the whole site falls within the Walsingham Conservation Area and as such the statutory duty imposed by Section 72 is engaged.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) places a duty on Local Planning Authorities to have special regard to the desirability of preserving a Listed Building, or its setting, or any features of special architectural or historic interest it possesses. As noted above, not only do the works directly involve a grade II listed building, but there are also other listed buildings within close proximity to the site. Accordingly, new development proposals could impact upon their settings.

The proposal relates to the removal of a degraded conservatory and the erection of a single storey rear extension on the Grade II listed building. Officers acknowledge that the existing conservatory is of poor quality and the structure is of no particular age or significance. The removal of the structure therefore raises no objection.

The application proposes replacing the conservatory with a single storey flat roof extension to house a kitchen. The existing conservatory has a height to the eaves of approximately 2.15m, overall height of approximately 2.83m, overall width of approximately 6.35m and length of approximately 2.59m. The proposed extension has a height to the eaves of approximately 3.0m, overall height of approximately 3.20m, overall width of approximately 6.05m and length of approximately 4.45m.

By virtue of its scale, single storey form and rear location, this extension is considered subservient and compatible with the host dwelling. The scale and massing of the proposed extension raises no concerns regarding its appearance within the street scene. As such it would not result in a disproportionately large increase in the scale of the original dwelling.

Section 3.6 of the North Norfolk Design Guide (NNDG) states that extensions should use forms, detailing and materials which are compatible with the original building. Paragraph 3.6.2 of the NNDG states that "flat roof forms are not normally acceptable. However, in the case of small link or alcove extensions, they may be the only option. In such cases, the flat roof form can be disguised behind a parapet with a proper coping detail."

In this specific case, to provide the required depth and footprint for the kitchen extension, a flat roof structure would avoid spoiling the first-floor windows on the rear elevation. Given the constraints of the enclosed location, Officers acknowledge that it would be difficult to propose a scheme of this depth with a natural, pitched roof. In this case, the flat roof extension would be disguised behind a parapet, and on balance given the guidance contained within para 3.6.2 of the NNDG is therefore considered acceptable. In addition, the councils Conservation and Design department have raised no objection subject to specific conditions relating to brick and parapet coping samples, full details of the new doors, the new downpipe and hopper material and colour, the existing flintwork shall be left exposed and the existing post within the proposed kitchen.

Paragraph 212 of the National Planning Policy Framework (NPPF) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 215 of the NPPF provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Officers consider that the loss of the existing poor quality conservatory and the erection of a replacement rear extension to provide a kitchen would contribute to securing the optimum viable use of the dwelling going forward into the future (a public benefit). These factors are considered sufficient to outweigh Officers concerns about the less than substantial harm resulting from the flat roof form and the loss of the two-ground floor late 19th sash windows. On balance, subject to five specific architectural and materials conditions as requested by the Council's Conservation and Design Officer, it is considered that the proposal would not result in harm to the heritage asset and would comply with Core Strategy Policy EN 8. Approval of the application would comply with the Council's statutory duties under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Planning Balance and Conclusion

The development is considered to be in accordance with the requirements of the Development Plan. There are no material considerations that indicate the application should be determined otherwise. Approval is therefore recommended subject to conditions.

RECOMMENDATION

APPROVAL subject to conditions relating to the following matters:

- 3 year time limit
- Development in accordance with approved plans
- Prior to their use on site, brick and parapet coping samples to be used in the construction of the approved extension shall be submitted to and approved in writing by the Local Planning Authority. The extension shall then be constructed using only the approved materials.
- Prior to their insertion, full details of the new doors shall be submitted to and approved in writing by the Local Planning Authority. The doors shall then be installed only in strict accordance with approved details.

- The new downpipe and hopper hereby approved shall be cast iron or cast aluminium and finished in black unless otherwise agreed in writing by the Local Planning Authority.
- Unless otherwise agreed in writing by the Local Planning Authority, the existing flintwork shall be left exposed with the approved kitchen extension.
- The existing post within the proposed kitchen shall not be removed until such time as any compensatory structural measures of support have first been submitted to and agreed in writing by the Local Planning Authority. This work shall be carried out strictly in accordance with the approved details.





Final wording of conditions and any others considered necessary to be delegated to the Assistant Director – Planning

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DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE – 24 July 2025

1. INTRODUCTION:

- 1.1 This report briefly sets out performance in relation to the determination of planning applications in Development Management the period **June 2025**.
- 1.2 This report sets out the figures for the number of cases decided and percentage within time set against the relevant target and summary of 24-month average performance.
- 1.3 The tables also set out the percentage of the total number of decisions made that are subsequently overturned at appeal as 24-month average performance.
- 1.4 In addition, the tables set out the number of cases registered and validated within the specified months.

Performance Measure	Actual Performance	Target	Comments
(Speed) Decisions Made (Period June 2025)	Major 4 decisions issued <i>75% within time period (1 case over time)</i>	60% (80% NNDC)	24 month average to 30 June 2025 is 99.00% 
	Non-Major 77 decisions issued <i>95% within time period (4 cases over time)</i>	70% (90% NNDC)	24 month average to 30 June 2025 is 96.00% 
(Quality) % of total number of decisions made that are then subsequently overturned at appeal	Major	10% (5% NNDC)	24 month average to 30 June 2025 is 1.49% (one case RV/22/1661) 
	Non-Major	10% (5% NNDC)	24 month average to 30 June 2025 is 0.82% 

Performance Measure	Actual Performance	Target	Comments
Validation (Period June 2025)	Information not currently available for this period	3 days for Non- Major from date of receipt 5 days for Majors from date of receipt	Datasets do not currently breakdown validated apps by Major / Minor or those on PS2 returns, but performance data retrieval being reviewed.

2. S106 OBLIGATIONS

- 2.1 A copy of the list of latest S106 Obligations is attached. There are currently five S106 Obligations being progressed, one of which has now been completed and can be removed from the list.

3. RECOMMENDATIONS:

- 3.1 Members are asked to note the content of this report.

SCHEDULE OF S106 AGREEMENTS	
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UPDATE FOR DEVELOPMENT COMMITTEE:

24 July 2025

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OFFICERS' REPORTS TO DEVELOPMENT COMMITTEE 24-July-2025

*Appeals Information for Committee between
18/06/2025 and 14/07/2025*

APPEALS SECTION

NEW APPEALS

EDGEFIELD - PP/24/2388 - Permission in principle for development of up to 5 custom and self-build dwellings (as a phased development)

Land North Of Plumstead Road, Edgefield, Norfolk, NR24 2RN

For Mr Charlie De Bono

WRITTEN REPRESENTATION

Appeal Start Date: 09/07/2025

Appeal Decision:

Appeal Decision Date:

GUNTHORPE - PU/25/0893 - Change of use of agricultural building to 1 dwellinghouse (Class C3) and building operations reasonably necessary for the conversion

Agricultural Barn, Clip Street, Bale, Norfolk

For Mr Ben Carter

WRITTEN REPRESENTATION

Appeal Start Date: 07/07/2025

Appeal Decision:

Appeal Decision Date:

TRUNCH - PO/24/0716 - Construction of 6no self-build dwellings (outline with details of access only)

Land Off Bradfield Road, Trunch, North Walsham, NR28 0QL

For Miss Ruth Hicks and Mrs Rachel Cook

WRITTEN REPRESENTATION

Appeal Start Date: 07/07/2025

Appeal Decision:

Appeal Decision Date:

INQUIRIES AND HEARINGS - IN PROGRESS

LUDHAM - PF/23/0861 - Change of use of land for the formation of 1 Gypsy/Traveller pitch comprising the siting of 1no. Mobile Home, and 1no. Portacabin for ancillary residential use, associated hardstanding and fencing and installation of a sealed septic tank (part retrospective)

Malthouse Corner, Malthouse Lane, Catfield, Great Yarmouth, Norfolk, NR29 5AE

For Mr Tom Harber

INFORMAL HEARING

Appeal Start Date: 06/05/2025

Appeal Decision:

Appeal Decision Date:

WRITTEN REPRESENTATIONS APPEALS - IN HAND

CATFIELD - CL/24/1249 - Lawful Development Certificate for existing use of land as residential garden

Fenview, 3 Fenside Cottages, Fenside, Catfield, Great Yarmouth, Norfolk, NR29 5DD

For Mr J Amos

WRITTEN REPRESENTATION

Appeal Start Date: 12/12/2024

Appeal Decision:

Appeal Decision Date:

COLBY AND BANNINGHAM - PF/22/1068 - Demolition of existing buildings and erection of single storey detached dwelling

Ambrose House , Mill Road , Banningham, Norfolk, NR11 7DT

For Mr Matthew Ambrose

WRITTEN REPRESENTATION

Appeal Start Date: 11/02/2025

Appeal Decision:

Appeal Decision Date:

CROMER - PF/24/1206 - Single storey rear extension to dwelling

27 Shipden Avenue, Cromer, Norfolk, NR27 9BD

For Mr Andrew Crane

FAST TRACK - HOUSEHOLDER

Appeal Start Date: 22/11/2024

Appeal Decision:

Appeal Decision Date:

CROMER - PF/24/1536 - Replacement of 2 No. first floor windows with Upvc double glazed windows on rear elevation (retrospective)

Flat 2, Shipden House, High Street, Cromer, Norfolk, NR27 9HG

For Mr Stuart Parry

WRITTEN REPRESENTATION

Appeal Start Date: 12/12/2024

Appeal Decision:

Appeal Decision Date:

CROMER - LA/24/1384 - Replacement of 2 No. first floor windows with Upvc double glazed windows on rear elevation (retention of works already carried out)

Flat 2, Shipden House, High Street, Cromer, Norfolk, NR27 9HG

For Mr Stuart Parry

WRITTEN REPRESENTATION

Appeal Start Date: 12/12/2024

Appeal Decision:

Appeal Decision Date:

EAST RUSTON - PF/24/0556 - Change of use of building from office and store to a single dwellinghouse (Class C3)

Crosswinds, Grub Street, Happisburgh, Norwich, Norfolk, NR12 0RX

For Philip Buskell

WRITTEN REPRESENTATION

Appeal Start Date: 25/04/2025

Appeal Decision:

Appeal Decision Date:

FELMINGHAM - PF/22/0213 - Proposed Demolition of Single Storey Link Blocks and Conversion of Existing Care Home into 16 No. Residential Apartments

The Old Rectory, Aylsham Road, Felmingham, North Walsham, Norfolk, NR28 0LD

For Mr Paul Bartholomew

WRITTEN REPRESENTATION

Appeal Start Date: 02/06/2025

Appeal Decision:

Appeal Decision Date:

HOLT - PF/24/1401 - Change of use from garage and first floor offices to dwelling (retrospective)

The Gatehouse, The Grove, Cromer Road, Holt, Cromer, Norfolk, NR25 6EB

For Jamie Rennie

WRITTEN REPRESENTATION

Appeal Start Date: 02/04/2025

Appeal Decision:

Appeal Decision Date:

MELTON CONSTABLE - EF/23/2472 - Lawful Development Certificate for proposed conversion of loft to bedroom and installation of rooflights

Soley House, 27 Briston Road, Melton Constable, Norfolk, NR24 2DG

For Mr & Mrs Dean & Sonia James

WRITTEN REPRESENTATION

Appeal Start Date: 18/11/2024

Appeal Decision:

Appeal Decision Date:

**RAYNHAM - TW/24/0784 - T1 & T2 - Cherry Tree - Take down leaving only Stump
T3 - Whitebeam - Reduce width to 4m and height to 7m**

19 Earl Of Bandon Avenue, West Raynham, Fakenham, Norfolk, NR21 7DQ

For Miss Stephanie Inns

WRITTEN REPRESENTATION

Appeal Start Date: 30/09/2024

Appeal Decision:

Appeal Decision Date:

SHERINGHAM - PF/24/0476 - Erection of a single storey detached dwelling with rooms in the roof space and associated works.

Land North Of East Court , Abbey Road, Sheringham, Norfolk

For GSM Investments Ltd

WRITTEN REPRESENTATION

Appeal Start Date: 31/10/2024

Appeal Decision:

Appeal Decision Date:

SHERINGHAM - PF/24/1827 - Change of use of ground floor former shop (Class E) to hot food takeaway (no specified use class), installation of extraction and ventilation equipment; external alterations

10 Church Street, Sheringham, Norfolk, NR26 8QR

For Pegasus N/A

WRITTEN REPRESENTATION

Appeal Start Date: 14/03/2025

Appeal Decision:

Appeal Decision Date:

SMALLBURGH - PF/22/1697 - Erection of single storey building for use as holiday accommodation on site of existing tennis court

Smallburgh Hall, Hall Drive, Smallburgh, Norwich, Norfolk, NR12 9FW

For Mr Garry Coaley

WRITTEN REPRESENTATION

Appeal Start Date: 11/12/2024

Appeal Decision:

Appeal Decision Date:

STODY - PF/24/1219 - Erection of 4no. two storey self build dwellings and creation of new access (self build)

Land Adjacent To Bertha Bloggs Cottage, King Street, Hunworth

For Mr David Moore

WRITTEN REPRESENTATION

Appeal Start Date: 04/04/2025

Appeal Decision:

Appeal Decision Date:

SWAFIELD - PF/24/2625 - Change of use of detached outbuilding to B&B/holiday let (retrospective)

Lilac Cottage, Knapton Road, Swafield, North Walsham, Norfolk, NR28 0RP

For Mr Mark Short

WRITTEN REPRESENTATION

Appeal Start Date: 16/05/2025

Appeal Decision:

Appeal Decision Date:

SWANTON ABBOTT - EF/23/2459 - Lawful Development Certificate for proposed siting of modular building within curtilage of dwelling for use as an annexe to the main dwelling

Ambleside, The Footpath, Aylsham Road, Swanton Abbott, Norwich, Norfolk, NR10 5DL

For Gibbons

WRITTEN REPRESENTATION

Appeal Start Date: 08/04/2024

Appeal Decision:

Appeal Decision Date:

TUNSTEAD - PF/24/0665 - Erection of 3 single storey dwellings with attached garages; new vehicular access to Market Street; associated external works

Land To The East Of Market Street , Tunstead, Norfolk

For Broadleaf Group Ltd.

WRITTEN REPRESENTATION

Appeal Start Date: 07/05/2025

Appeal Decision:

Appeal Decision Date:

WEST BECKHAM - PO/23/2643 - Erection of dwelling and car port with ancillary works (all matters reserved except for access)

Land East Of Williams Barn, Church Road, West Beckham, Norfolk

For Mr Robert McNeil-Wilson

WRITTEN REPRESENTATION

Appeal Start Date: 03/02/2025

Appeal Decision:

Appeal Decision Date:

APPEAL DECISIONS - RESULTS AND SUMMARIES

ROUGHTON - CL/23/1650 - Lawful Development Certificate for use of land for siting of static caravan, and use of static caravan as a dwelling.

Static Caravan At, Woodview, Thorpe Market Road, Roughton, Norwich, Norfolk, NR11 8TB

For Mr Alexander Brackley

WRITTEN REPRESENTATION

Appeal Start Date: 10/11/2023

Appeal Decision: Appeal Allowed

Appeal Decision Date: 14/07/2025

Total Number of Appeals listed: 23

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**OFFICERS' REPORTS TO
DEVELOPMENT COMMITTEE (ENFORCEMENTS)**

*Appeals Information for Committee between
18/06/2025 and 14/07/2025*

24-July-2025

APPEALS SECTION

INQUIRIES AND HEARINGS - IN PROGRESS

CATFIELD - ENF/22/0259 - Use of land for residential purposes

Caravan On, Malthouse Lane, Catfield, Great Yarmouth, Norfolk, NR29 5AE

INFORMAL HEARING

Appeal Start Date: 30/04/2025

Appeal Decision:

Appeal Decision Date:

WRITTEN REPRESENTATIONS APPEALS - IN HAND

BLAKENEY - ENF/24/0158 - Change of use of the land for the siting of a static caravan

Villeroche, Langham Road, Blakeney, Holt, Norfolk, NR25 7PW

WRITTEN REPRESENTATION

Appeal Start Date: 26/02/2025

Appeal Decision:

Appeal Decision Date:

CROMER - ENF/24/0079 - Two twelve-light windows have been replaced with uPVC windows in Grade II listed building

Flat 2, Shipden House, High Street, Cromer, Norfolk

WRITTEN REPRESENTATION

Appeal Start Date: 19/02/2025

Appeal Decision:

Appeal Decision Date:

EDGEFIELD - ENF/23/0092 - unauthorised works to a protected trees and new camping activity.

Dam Hill Plantation, Holt Road, Edgefield, Norfolk

WRITTEN REPRESENTATION

Appeal Start Date: 23/02/2024

Appeal Decision:

Appeal Decision Date:

HOLT - ENF/24/0026 - Material change of use of the land for the siting of shipping containers.

Oakhill House, Thornage Road, Holt, Norfolk, NR25 6SZ

WRITTEN REPRESENTATION

Appeal Start Date: 06/02/2025

Appeal Decision:

Appeal Decision Date:

ROUGHTON - ENF/24/0060 - Siting of caravans for residential purposes, storage of scrap vehicles and scaffold poles.

Fern Bank, Carr Lane, Roughton, Norwich, Norfolk, NR11 8PG

WRITTEN REPRESENTATION

Appeal Start Date: 12/05/2025

Appeal Decision:

Appeal Decision Date:

RUNTON - ENF/23/0027 - Breach of conditions 2, 3,4, 6, 7, 8, 10, 11, 13,15 and 16 of planning permission PF/18/1302.

Homewood, Mill Lane, East Runton, Cromer, Norfolk, NR27 9PH

WRITTEN REPRESENTATION

Appeal Start Date: 09/01/2024

Appeal Decision:

Appeal Decision Date:

WELLS-NEXT-THE-SEA - ENF/23/0124 - Material change of use of the land for the siting of a pizza van

Land West Of 3, The Quay, Wells-next-the-sea, Norfolk

WRITTEN REPRESENTATION

Appeal Start Date: 31/08/2023

Appeal Decision:

Appeal Decision Date:

WEYBOURNE - ENF/23/0278 - Change of use of barn to a pilates studio

Weybourne House, The Street, Weybourne, Holt, Norfolk, NR25 7SY

WRITTEN REPRESENTATION

Appeal Start Date: 29/04/2024

Appeal Decision:

Appeal Decision Date:

APPEAL DECISIONS - RESULTS AND SUMMARIES

ALBY WITH THWAITE - ENF/20/0066 - Erection of a building for residential use, garage and landscaping to create a garden

Field View, Alby Hill, Alby, Norwich, NR11 7PJ

WRITTEN REPRESENTATION

Appeal Start Date: 24/07/2023

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 10/07/2025